federal register

SATURDAY, JUNE 19, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 119
Pages 11785–11842


## HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.



(Continued inside)

*Just Released*

# CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1971)

Title 43—Public Lands: Interior (Part 1000–End)..... $2.75

Title 46—Shipping (Parts 150–199)..... 2.75

Title 46—Shipping (Part 200–End)..... 3.00

*[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]*

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

# Contents



*(Continued on next page)*

# List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

## 3 CFR

PROCLAMATION:
4060 ..... 11791
EXECUTIVE ORDER:
11599 ..... 11793

## 5 CFR

PROPOSED RULES:
300 ..... 11817
772 ..... 11817

## 7 CFR

55 ..... 11795
719 ..... 11802
910 ..... 11802
917 ..... 11802
944 ..... 11802

## 12 CFR

222 ..... 11805
PROPOSED RULES:
545 ..... 11818

## 14 CFR

71 (3 documents) ..... 11806
75 (3 documents) ..... 11806–11807
374 ..... 11807
PROPOSED RULES:
71 ..... 11815
73 ..... 11816
296 ..... 11816
297 ..... 11816

## 15 CFR

371 ..... 11808
376 ..... 11808

## 21 CFR

121 ..... 18111
135g ..... 18111
148q ..... 18111

## 24 CFR

PROPOSED RULES:
241 ..... 11815

## 30 CFR

PROPOSED RULES:
231 ..... 11815

## 47 CFR

PROPOSED RULES:
73 ..... 11818
74 ..... 11818

# Presidential Documents

## Title 3—The President

PROCLAMATION 4060

## World Law Day, 1971

*By the President of the United States of America*

## A Proclamation

From the time more than 25 centuries ago when a Hebrew prophet wrote, "The Lord is our judge . . . our lawgiver . . . our king; he will save us," Western civilization's sense of salvation has been intimately related to its vision of the universal rule of law in the affairs of men. We in the United States have special reason to cherish this vision, for the freedom, the order, and the abundance which we enjoy are fruits of its application. The great principle that the people are sovereign, and that the law they make is supreme, has operated with such signal success in our country's history that Americans are turning increasingly to the compelling logic of putting it to work in the world community as well. People of many other nations and cultures are doing likewise.

At the same time technology is shrinking the globe so that the sense of common destiny and common danger, the sense that "my country is the world; and my countrymen are mankind," is no longer fancy but compelling fact for the whole human race. More and more, it becomes a matter of prime importance that principle and not mere power should govern in this country called Earth.

We can see many heartening evidences that law is becoming stronger and more just around the world under the pressures which reason and necessity exert. Within the nations, human rights and ecological wisdom continue to gain stature in the law. Among the nations, security and cooperation—on every front from space to the seabeds—are being enhanced through negotiations, treaties, and conventions. The United Nations is entering its second quarter of a century, and many other international organizations are working effectively through and for world law.

Also playing a constructive role are those organizations which are made up not of countries but of individual men and women, joined together in the interest of the law as citizens of their countries and of the world. One of the most important of these is the World Peace Through Law Center, founded in 1963, which this summer will hold its Fifth World Conference on World Peace Through Law at Belgrade, Yugoslavia. July 21, the date when thousands of lawyers and jurists from

around the world will convene for this conference, will be observed in many nations as World Law Day—an observance in which I know the American people, a people who love the law, will want to join.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim July 21, 1971, as World Law Day. I call on every American to reflect that day on the sacredness of the law in American tradition. And I urge each American to join with millions of his fellow men around the world in heightened recognition of the importance of the rule of law in international affairs to our goal of a stable peace.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of June, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-8723 Filed 6-17-71; 1:38 pm]

# EXECUTIVE ORDER 11599

## Establishing a Special Action Office for Drug Abuse Prevention

Drug abuse has assumed alarming proportions in recent times and its spread must be reversed forthwith. I have sent a special message to the Congress urging the prompt enactment of legislation creating a new Special Action Office for Drug Abuse Prevention within the Executive Office of the President. This office will mobilize and concentrate the comprehensive resources of the Federal Government in an all out campaign to meet this threat. However, immediate action must be taken to place the leadership of our drug abuse effort under a single official who will coordinate existing Federal drug abuse programs and activities, and develop plans for increasing our future efforts.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

### ESTABLISHMENT OF THE OFFICE

SECTION 1. There is hereby established in the Executive Office of the President a Special Action Office for Drug Abuse Prevention. The Office shall be under the immediate supervision and direction of a Director, who shall be designated by the President.

### FUNCTIONS OF THE DIRECTOR

SEC. 2 (a) The Director shall be the special representative of the President with respect to all Federal drug abuse training, education, rehabilitation, research, treatment, and prevention programs and activities (exclusive of law enforcement activities and legal proceedings).

(b) The Director shall prescribe policies, guidelines, standards, and criteria for the maximum achievement of the goals and objectives for those programs and activities. To the maximum extent permitted by law, Federal officers and Federal departments and agencies shall cooperate with the Director in carrying out his functions under this Order and shall comply with the policies, guidelines, standards, and procedures prescribed by the Director pursuant to this subsection.

(c) In addition, the Director shall—

(1) develop comprehensive plans and programs to combat drug abuse including goals and objectives therefor;

(2) assure that all Federal drug abuse programs and activities are properly coordinated;

(3) evaluate all such programs;

(4) advise the heads of departments and agencies of his findings and recommendations, when appropriate;

(5) make recommendations to the Director of the Office of Management and Budget concerning proposed funding of drug abuse programs;

(6) establish a clearing house for the prompt consideration of drug abuse problems brought to his attention by Federal departments and

agencies and by other public and private entities, organizations, agencies, or individuals; and

(7) report to the President, from time to time, concerning the foregoing.

ADMINISTRATION

SEC. 3 (a) Expenses of the Special Office for Drug Abuse Prevention shall be paid from the appropriation under the heading "Special Projects," in the Executive Office Appropriation Act, 1971, or any corresponding appropriations which may be made for subsequent fiscal years or from such other appropriated funds as may be available therefor.

(b) The General Services Administration shall provide, on a reimbursable basis, such administrative services and facilities for the Director and the Special Action Office for Drug Abuse Prevention as the Director may request.

THE WHITE HOUSE,
*June 17, 1971.*

[FR Doc.71-8778 Filed 6-18-71;12:05 pm]

NOTE: For the text of the President's Message to the Congress requesting legislative authority and funds, and related remarks, see Weekly Comp. of Pres. Docs., Vol. 7, No. 25, issue of June 21, 1971.

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

## PART 55—VOLUNTARY INSPECTION OF EGG PRODUCTS

Notice is hereby given that the U.S. Department of Agriculture is issuing revised and recodified Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55) under the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

*Statement of considerations.* On May 22, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9307–9314) in accordance with the requirements of 5 U.S.C., section 553, that the Department was considering revising, recodifying and changing the title of the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 55).

All interested persons were requested to file their data, views, or arguments with the Hearing Clerk by June 1, 1971. No comments were received.

The revised regulations are being issued as proposed, with minor editorial changes for the sake of clarity.

The portion of the Egg Products Inspection Act (21 U.S.C. 1031–1056) and the regulations issued pursuant thereto pertaining to mandatory inspection of egg products (7 CFR Part 59) will become effective July 1, 1971. The Act and those regulations will cover nearly all the inspection activities which have been covered by the present voluntary regulations (7 CFR Part 55). However, there will be a need for a voluntary program for certain types of inspections and for the use of official USDA inspection identification for some products containing eggs as an ingredient. Some of these types of inspections are:

1. The use of Department personnel or laboratories for certain laboratory tests and analyses;

2. Sampling or inspection functions which are requested outside the official egg products plant;

3. Inspections, certifications, examinations, or specification-type gradings, and other inspections which may be requested by an egg products plant, which are in addition to the normal inspection requirements for the processing or production of a wholesome egg product;

4. A voluntary inspection program and official identification of certain categories of foods containing eggs which are exempted as an egg product requiring inspection under the Egg Products Inspection Act;

5. Test weighing or organoleptic examination of products outside the official plant when requested by interested persons.

The revised Regulations Governing the Voluntary Inspection of Egg Products (7 CFR Part 55) are as follows:

Subpart A—Inspection and Grading of Egg Products

DEFINITIONS



AUTHORITY: The provisions of this Part 55 issued under Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

## Subpart A—Inspection and Grading of Egg Products

DEFINITIONS

### § 55.1 Meaning of words.

Under the regulations in this part, words in the singular shall be deemed to import the plural and vice versa, as the case may demand.

### § 55.2 Terms defined.

For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively:

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.), or any other Act of Congress conferring like authority.

"Administrator" means the Administrator of the Consumer and Marketing Service (C&MS) of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may

hereafter be delegated the authority to act in his stead.

"Applicant" means any interested party who requests any grading or inspection service, or appeal grading or appeal inspection, with respect to any product.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method or processing.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability; or any condition, including, but not being limited to, the processing, handling, or packaging which affects such product.

"Department" means the U.S. Department of Agriculture.

"Inspection/grading" means (1) the act of determining, according to the regulations, the class, quality, quantity, or condition of any product by examining each unit thereof or a representative sample drawn by a grader; (2) the act of issuing a certificate; or (3) the act of identifying, when requested by the applicant, any product by means of official indentification pursuant to the Act and this part.

"Inspection and grading certificate" or "certificate" means a statement, either written or printed, issued by a grader or inspector pursuant to the Act and this part, relative to the class, quality, quantity, and condition of products.

"Inspector/grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

"Interested party" means any person financially interested in a transaction involving any grading, inspection, or appeal grading or inspection of any product.

"National Supervisor" means (1) the officer in charge of the service of C&MS, and (2) such other employee of C&MS as may be designated by him.

"Office of grading" means the office of any grader or inspector.

"Official plant" means any plant in which the facilities and methods of operation therein have been found by the Administrator to be suitable and adequate for grading service or inspection in accordance with this part and in which such service is carried on.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Product" or "products" means eggs (whether liquid, frozen, or dried), egg products and any food product which is prepared or manufactured and contains eggs as an ingredient.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regional Director" means any employee of the Department in charge of the service in a designated geographical area.

"Regulations" means the provisions in this part.

"Sampling" means the act of taking samples of any product for grading or inspection.

"Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"Service" means (1) any grading or inspection, in accordance with the Act and the regulations in this part, of any product, (2) supervision, in any official plant, of the preparation or packaging of any product, or (3) any appeal grading or appeal inspection of any previously graded or inspected product.

"Shell eggs" means the shell eggs of the domesticated chicken, turkey, duck, goose, and guinea.

### § 55.5 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part and any report made by an authorized prescribed therefor by § 148q.1a(a)(1), person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark or symbol formulated pursuant to the regulations in this part, stating that the product was graded or inspected, or for the purpose of maintaining the identity of the product.

(d) "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a printed label, or other method as approved by the Administrator for the purpose of applying any official mark or other identification to any product of the packaging material thereof.

## ADMINISTRATION

### § 55.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act and this part. The Administrator is authorized to waive for a limited period any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part.

## GENERAL

### § 55.20 Kinds of services available.

The regulations in this part provide for the following kinds of services:

(a) Inspection of the processing of products containing eggs in official plants.

(b) Sampling and laboratory analysis of products.

(c) Quantity and condition inspection of products.

(d) Laboratory analysis of samples (with or without added ingredients) of products which are submitted to the laboratory by the applicant.

### § 55.22 Where service is offered.

Any product may be graded or inspected wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

### § 55.24 Basis of service.

(a) Products shall be graded or inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. All service shall be subject to supervision at all times by the applicable State supervisor, egg products supervisor, Regional Director, and National Supervisor. Whenever the supervisor of a grader or inspector has evidence that such grader or inspector incorrectly graded or inspected a product, such supervisor shall take such action as is necessary to correct the grading or inspection and to

cause any improper official identification which appears on the product or containers thereof to be corrected prior to shipment of the product from the place of the initial grading or inspection.

(b) Whenever service is performed on a sample basis, such sample shall be drawn in accordance with the instructions as issued by the Administrator.

PERFORMANCE OF SERVICES

§ 55.30 Licensed graders and inspectors.

(a) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may be licensed by the Secretary as a grader or inspector.

(b) All licenses issued by the Secretary are to be countersigned by the officer-in-charge of the service of the Consumer and Marketing Service or by any other official of C&MS designated by such officer.

(c) No person may be licensed to grade or inspect any product in which he is financially interested.

§ 55.40 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform service may, whenever he deems such action necessary to assure that any grading or inspection services are properly performed, suspend any license to perform grading or inspection service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading or inspection service is revoked.

§ 55.50 Cancellation of license.

Upon termination of his services as a grader or inspector, each licensee shall surrender his license immediately for cancellation.

§ 55.60 Surrender of license.

Each license which is canceled, suspended, or revoked shall immediately be surrendered by the licensee to the office of the service in the region in which he is located.

§ 55.70 Identification.

All graders, inspectors, and supervisors shall have in their possession at all times while on duty and present upon request the means of identification furnished by the Department to such person.

§ 55.80 *Political activity.*

All graders and inspectors are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns, political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate is prohibited, except as authorized by law or regulation of the Department. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 55.90 Authority and duties of inspectors performing service on a resident inspection basis.

(a) Each inspector is authorized:

(1) To make such observations and inspections as he deems necessary to enable him to certify that products have been prepared, processed, stored, and otherwise handled in conformity with the regulations in this part;

(2) To supervise the marking of packages containing products which are eligible to be identified with official identification;

(3) To retain in his custody, or under his supervision, labels with officials identification, marking devices, samples, certificates, seals, and reports of inspectors;

(4) To deface or remove, or cause to be defaced or removed under his personal supervision, any official identification from any package containing products whenever he determines that such products were not processed in accordance with the regulations in this part or are not fit for human food;

(5) To issue a certificate upon request on any product processed in the official plant; and

(6) To use retention tags or other devices and methods as may be approved by the Administrator for the identification and control of products which are not in compliance with the regulations in this part or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of any of the regulations in this part. No product, equipment, utensil, room or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than inspector or grader.

(b) Each inspector shall prepare such reports and records as may be prescribed by the officer-in-charge of the service.

§ 55.95 Facilities to be furnished for use of graders and inspectors in performing service on a resident inspection basis.

(a) Facilities for proper sampling, weighing, and examination of products shall be furnished by the official plant for use by inspectors and graders. Such facilities shall include a candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a eleven-sixteenths inch or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen product, a nonbreakable thermometer, and a satisfactory test kit for determining the bactericidal strength.

(b) Furnished office space and equipment, including but not being limited to, a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing. Such space and equipment must meet the approval of the State supervisor.

APPLICATION FOR SERVICE

§ 55.100 Who may obtain service.

(a) An application for service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) Where service is offered: Any product may be graded or inspected, wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

§ 55.120 Authority of applicant.

Proof of the authority of any person applying for any service may be required at the discretion of the Administrator.

§ 55.130 *How application for service may be made; conditions of resident service.*

(a) *On a fee basis.* An application for any service may be made in any office of grading, or with any grader or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing or by telegraph. If an application for grading service is made orally, the office of grading, grader or inspector with whom such application is made, or the Administrator may require that the application be confirmed in writing.

(b) *On a resident inspection basis.* An application for inspection on a resident inspection basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, regional, or State grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations in this part (including, but not being limited to, such instructions governing grading and inspection of products as may be issued from time to time by the Administrator). No member of or delegate to Congress or Resident Commissioner, shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

(c) *Form of application.* Each application for grading or inspecting a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded or inspected.

**§ 55.140 Application for inspection in official plants; approval.**

Any person desiring to process and pack products under inspection service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) Initial survey: When an application for inspection in a plant has been filed, the Regional Director or his assistant serving the region in which the plant is located will make a survey and inspection of the premises and plant to determine whether the facilities and methods of operation therein are suitable and adequate for service in accordance with (1) the regulations in this part and (2) such other administrative instructions as may be issued, from time to time, by C&MS and which are in effect at the time of the aforesaid survey and inspection.

(b) Drawings and specifications to be furnished: Three copies of drawings properly drawn to scale shall be submitted to the National Supervisor. The drawings shall consist of floor plans of space to be included in the official plant, the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, the cardinal points of the compass, and the name and address (specific location) of the plant.

(1) The official plant shall include product processing rooms and areas, storage rooms, toilet and dressing rooms, store rooms for supplies used in the operation under this service, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the buildings comprising the official plant.

(2) Specifications covering the height of ceilings, types of principal pieces of equipment, character of walls, floors, and ceilings, lighting, ventilation including intake and exhaust facilities, water supply and drainage, and such other notations as may be required shall accompany the drawings. Upon approval of the drawings and specifications the application for service may be approved.

(c) Final survey and plant approval: Prior to the inauguration of inspection service, a final survey of the plant and premises shall be made by the Regional Director or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met.

(d) Surveys and approvals made pursuant to the regulations (Part 59 of this chapter) under the Egg Products Inspection Act will be accepted for the purposes of this section.

**§ 55.150 When application may be rejected.**

Any application for service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations in this part prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the Act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the Act or was responsible in whole or in part for the current denial of the benefits of the Act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the Act to obtain service; (e) whenever the applicant, after an initial survey has been made in accordance with § 55.140 (a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations in this part within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

**§ 55.160 When application may be withdrawn.**

An application for service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by C&MS in connection with such application.

**§ 55.170 Order of service.**

Service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any application for an appeal. The Department shall not be liable in damages accruing through acts of commission or omission in the administration of this part.

**§ 55.180 Suspension of plant approval.**

(a) Any plant approval pursuant to the regulations in this part may be suspended for (1) failure to maintain plant and equipment in a satisfactory state of repairs; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations in this part.

(b) During such period of suspension, inspection service shall not be rendered. However, the other provisions of the regulations in this part pertaining to providing service on a resident basis will remain in effect unless service is terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time to be specified by the Administrator, the application and service shall be terminated. Upon termination of service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated and all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Administrator, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Department.

DENIAL OF SERVICE

**§ 55.200 Debarment.**

(a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The rules of practice governing withdrawal of inspection and grading services set forth in Part 50 of this chapter shall be applicable to such a debarment action:

(1) *Misrepresentation, deceptive, or fraudulent act or practice.* Any willful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of an application for any service or appeal;

(ii) The making of the product accessible for sampling, grading or inspection;

(iii) The making, issuing or using or attempting to issue or use any certificate, symbol, stamp, label, seal, or identification authorized pursuant to the regulations in this part;

(iv) The use of the terms "United States," "U.S.," "Government Graded," "Federal-State Graded," "U.S. Inspected," "Government Inspected," or terms of similar import in the labeling or advertising of any product;

(v) The use of any official stamp, symbol, label, seal, or identification in the labeling or advertising of any product.

(2) *Use of facsimile forms.* Using or attempting to use a form which simulates in whole or in part any certificate, symbol, stamp, label, seal, or identification authorized to be issued or used under the regulations in this part.

(3) *Willful violation of the regulations.* Any willful violation of the regulations in this part or the Act.

(4) *Interfering with a grader, inspector, or employee of C&MS.* Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of C&MS in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of C&MS, or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of C&MS, or the offering or entering into a private contract or agreement with an employee of C&MS for any services to be rendered while employed by C&MS.

(5) *Miscellaneous.* The existence of any of the conditions set forth in § 55.150 constituting the basis for the rejection of an application for grading or inspection service.

### § 55.220 Other applicable regulations.

Compliance with the regulations in this part shall not excuse failure to comply with any other Federal or any State or municipal applicable laws or regulations.

### § 55.240 Report of violations.

Each grader and inspector shall report, in the manner prescribed by the Administrator, all violations and noncompliance under the Act and this part of which such grader or inspector has knowledge.

### § 55.260 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector or grader and the container is in clean, sound condition and lined with a suitable inner liner.

## IDENTIFYING AND MARKING PRODUCTS

### § 55.300 Approval of official identification.

(a) Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised to two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Products produced from edible shell eggs of the turkey, duck, goose, or guinea, or from other egg products which were produced from edible shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product including the type of eggs or egg products used in the product, e.g., "Containing turkey eggs," "Containing chicken and turkey eggs." Egg products labeled without qualifying words as to type of shell egg used in the products, shall be produced only from the edible shell egg of the domesticated chicken, or the product of such eggs.

### § 55.310 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purposes of § 55.5.

(b) The inspection marks which are permitted to be used on products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

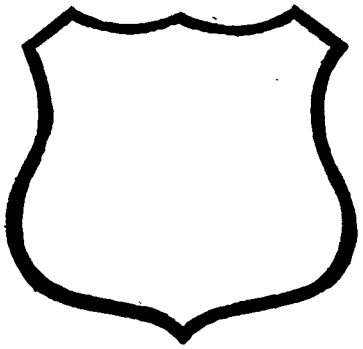

FIGURE 1.


FIGURE 2.

### § 55.320 Products that may bear the inspection mark.

Products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products eligible to bear the inspection mark and may contain other edible ingredients. The official mark, when used, shall be printed or lithographed and applied as a part of the principal display panel of the container, but shall not be applied to a detachable cover.

### § 55.330 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear an official identification approved for use pursuant to § 55.300 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 55.200;

(b) The use of simultaneous or imitations of any official identification by any person is prohibited;

(c) Once a year or more often, if requested, each applicant shall submit to the Administrator a list of approved labels which bear any official identification that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product;

(d) Upon termination of inspection service in an official plant pursuant to the regulations in this part, all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Regional Director, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Department.

### § 55.340 Supervision of marking and packaging.

(a) *Evidence of label approval.* No grader or inspector shall authorize the use of official identification on any inspected product unless he has on file

evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 55.300.

(b) *Affixing of official identification.* No official identification may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or inspector or under the supervision of a grader or inspector or other person authorized by the Administrator. All such products shall have been inspected in accordance with the regulations in this part. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(c) *Labels for products sold under Government contract.* The grader or inspector-in-charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications include complete specific requirements with respect to labeling, and are made available to the grader or inspector.

**§ 55.350 Accessibility of product.**

Each product for which service is requested shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

**§ 55.360 Certificates.**

Certificates (including appeal certificates) shall be issued on forms approved by the Administrator.

**§ 55.370 Certificate issuance.**

(a) *Resident service.* Certificates will be issued only upon a request therefor by the applicant or C&MS. When requested, an inspector shall issue a certificate covering product inspected by him. In addition, an inspector may issue a certificate covering product inspected in whole or in part by another inspector when the inspector has knowledge that the product is eligible for certification based on personal examination of the product or official inspection records.

(b) *Other than resident service.* Each inspector shall, in person or by his authorized agent, issue a certificate covering each product inspected by him. An inspector's name may be signed on a certificate by a person other than the inspector, if such person has been designated as the authorized agent of such inspector by the National Supervisor: *Provided,* That the certificate is prepared from an official memorandum of inspection signed by the inspector: *And provided further,* That a notarized power of attorney authorizing such signature has been issued to such person by the inspector and is on file in the office of the service. In such case, the authorized agent shall sign both his own and the inspector's name, e.g., "John Doe by Richard Roe."

**§ 55.380 Disposition of certificates.**

The original and a copy of each certificate, issued pursuant to § 55.370 and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for inspection program records. Additional copies of any such certificate may be supplied to any interested party as provided in § 55.520.

**§ 55.390 Advance information.**

Upon request of an applicant, all or part of the contents of any certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

APPEALS

**§ 55.400 Who may request an appeal grading or inspection or review of a grader's or inspector's decision.**

An appeal grading or inspection may be requested by any interested party who is dissatisfied with the determination by a grader or inspector of the class, quality, quantity, or condition of any product, as evidenced by the USDA inspection mark and accompanying label, or as stated on a certificate and a review may be requested by the operator of an official plant with respect to a grader's or inspector's decision or on any other matter related to grading or inspection in the official plant.

**§ 55.410 Where to file an appeal.**

(a) *Appeal from resident grader's or inspector's grading or decision in an official plant.* Any interested party who is not satisfied with the determination of the class, quality, quantity, or condition of product which was graded or inspected by a grader or inspector in an official plant and has not left such plant, and the operator of any official plant who is not satisfied with a decision by a grader or inspector on any other matter relating to grading or inspection in such plant may request an appeal grading or inspection or review of the decision by the grader or inspector by filing such request with the grader's or inspector's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with the determination of the class, quality, quantity, or condition of product which has left the official plant where it was graded or inspected or which was graded or inspected other than in an official plant may request an appeal grading or inspection by filing such request in the regional office where the product is located or with the Change of the Grading Branch.

**§ 55.420 How to file an appeal.**

Any request for an appeal grading or inspection or review of a grader's or inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product, or the decision which is questioned. If such appeal request is based on the results stated on an official certificate, the original and all available copies of the certificate shall be returned to the appeal grader or inspector assigned to make the appeal grading or inspection.

**§ 55.430 When an application for an appeal grading or inspection may be refused.**

When it appears to the official with whom an appeal request is filed that the reasons given in the request are frivolous or not substantial, or that the condition of the product has undergone a material change since the original grading or inspection, or that the original lot has changed in some manner, or the Act or the regulations in this part have not been complied with, the applicant's request for the appeal grading or inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

**§ 55.440 Who shall perform the appeal.**

(a) An appeal grading or inspection or review of a decision requested under § 55.410(a) shall be made by the grader's or inspector's immediate supervisor or by a licensed grader or inspector assigned by the immediate supervisor other than the grader or inspector whose grading or inspection or decision is being appealed.

(b) Appeal gradings or inspections requested under § 55.410(b) shall be performed by a grader or inspector other than the grader or inspector who originally graded or inspected the product.

(c) Whenever practical, an appeal grading or inspection shall be conducted jointly by two graders or inspectors. The assignment of the grader(s) or inspector(s) who will make the appeal grading or inspection under § 55.410(b) shall be made by the Regional Director or the Chief of the Grading Branch.

**§ 55.450 Procedures for selecting appeal samples.**

(a) *Laboratory analyses.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. When the original sample containers cannot be located, the appeal sample shall consist of product taken at random from double the number of original sample containers.

(b) *Condition inspection.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. A condition appeal cannot be made unless all originally sampled containers are available.

**§ 55.460 Appeal certificates.**

Immediately after an appeal grading or inspection is completed, an appeal certificate shall be issued to show that the original grading or inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate

may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal grader or inspector assigns a different class or quantity designation to the lot, the labeling shall be corrected.

FEES AND CHARGES

§ 55.500 Payment of fees and charges.

(a) Fees and charges for any service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of this section and §§ 55.510 to 55.560, both inclusive. If so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Consumer and Marketing Service and remitted promptly to C&MS.

(c) Fees and charges for any service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 55.510 Fees and charges for services other than on a continuous resident basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal) performed, in accordance with this part on a fee basis shall be based on the applicable rates specified in §§ 55.510 to 55.560, both inclusive.

(b) Fees for product inspection and sampling for laboratory analysis and appeals will be based on the time required to perform the services. The hourly charge shall be $9.20 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or Government authorized holidays shall be charged for at the rate of $11.40 per hour. Information on Government authorized holidays is available from the Supervisor.

(d) The fee to be charged for an appeal grading, inspection, or laboratory analysis appeal, shall be based on the hourly rates as specified in paragraph (b) or (c) of this section. If the result of an appeal condition inspection discloses that a material error was made in the original inspection, no fee will be charged.

(e) A fee shall be charged for the appeal under § 55.410(a) of a grader's or inspector's decision when (1) special travel was necessary to perform the appeal review, and (2) the grader's or inspector's decision was upheld on the appeal. In such cases, the fee shall be based on the hourly rates as specified in paragraph (b) or (c) of this section.

§ 55.520 Fees for additional copies of certificates.

Additional copies of any certificates, other than those provided for in § 55.380, may be supplied to any interested party upon payment of a fee of $2 for each set of five or fewer copies.

§ 55.530 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Department in connection with rendering grading service. Such charges shall include the costs of transportation, per diem, shipping containers, postage, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. Ten percent of the total expenses shall be added to cover administrative costs of the Department. The minimum expense charge shall be $0.50 per certificate.

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following laboratory analyses are applicable except as otherwise stated in paragraph (b) or (c) of this section:

| | Fee |
|---|---|
| Solids | $4.60 |
| Fat | 6.90 |
| Bacteriological plate count | 4.60 |
| Bacteriological direct count | 4.60 |
| Coliforms | 4.60 |
| E. Coli (presumptive) | 6.90 |
| Yeast and mold count | 4.60 |
| Sugar | 11.50 |
| Salt | 11.50 |
| Color: | |
| NEPA | 5.75 |
| B-Carotene | 9.20 |
| Whipping test | 4.60 |
| Whipping test plus bleeding | 5.75 |
| Fat film test | 11.50 |
| Oxygen | 5.75 |
| Glucose: | |
| Quantitative | 9.75 |
| Qualitative | 6.90 |
| Palatability and odor: | |
| First sample | 4.60 |
| Each additional sample | 2.30 |
| Staphylococcus | 13.80 |
| Salmonella: [1] | |
| Step 1 | 9.20 |
| Step 2 | 4.60 |
| Step 3 | 9.20 |

(b) Other fees for specified individual tests and services: The fees listed for the following laboratory analyses are applicable for individual tests for one factor only, on a particular product sample:

| | Fee |
|---|---|
| Solids | $5.00 |
| Bacteriological plate count | 5.50 |
| Bacteriological direct count | 5.50 |
| Coliforms | 5.50 |
| E. Coli (presumptive) | 7.75 |
| Yeast and mold count | 5.50 |

(c) The fee charge for an analysis for any laboratory test which is not shown in this section or for other services rendered in the laboratory will be based on the time required to perform the analysis or render the service. The hourly rate will be $11.40.

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron agar; Step 3—confirmatory test through biochemicals.

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

Fees to be charged and collected for service on a resident basis shall be those provided in this section. The fees to be charged for any appeal grading or inspection shall be as provided in § 55.510.

(a) *Charges.* The charges for the service shall be paid by the applicant and shall include items listed in this section as are applicable. Payment for the full cost of the service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture. Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated headquarters when service is inaugurated.

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader or inspector while assigned except that no charge will be made when the assigned grader or inspector is temporarily reassigned by C&MS to perform service for other than the applicant. The base salary rate used for billing will be that of the grader(s) or inspector(s) assigned to the plant. The regular rate charge will be determined by adding an established factor to the base salary rate to cover costs for items such as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading and inspection service, and

related servicing costs. The overtime rate charge is 150 percent of the grader's salary. The added holiday rate charge is the same as the grader's salary when the grader or inspector works on a holiday.

(4) A charge of 10 percent of (i) the premium pay, and (ii) any expenses incurred (including travel and per diem costs) by each grader or inspector assigned while performing service at the applicant's request.

(5) An administrative service charge equal to 25 percent of the grader's or inspector's salary costs. A minimum charge of $50 will be made each billing period.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader or inspector with such information as may be necessary for the performance of the service.

(2) C&MS will provide, as available, an adequate number of graders or inspectors to perform the service. The number of graders or inspectors required will be determined by C&MS based on the expected demand for service.

(3) The service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading and inspection service; or

(iv) Termination of the service pursuant to the provisions of subdivision (v) of this subparagraph;

(v) Grading and inspection service shall be terminated by C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders or inspectors will be required to confine their activities to those duties necessary in the rendering of service and such closely related activities as may be approved by the Administrator.

(5) When similar services are furnished to the same applicant under Part 56 or Part 70 of this chapter, the charges listed in this section shall not be repeated.

### § 55.570 Fees for service performed under cooperative agreement.

The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

SANITARY AND PROCESSING REQUIREMENTS

### § 55.600 General.

Except as otherwise approved by the Administrator, the sanitary, processing, and facility requirements, as applicable, shall be the same for the product processed under this part as for egg products processed under §§ 59.500 through 59.580 (c) of this chapter and § 55.650.

### § 55.650 Inspection and grading.

Examinations of the ingredients, processing, and the product shall be made to assure the production of a wholesome, unadulterated, and properly labeled product. Such examinations include, but are not being limited to:

(a) Sanitation checks of plant premises, facilities, equipment, and processing operations.

(b) Checks on ingredients and additives used in products to assure that they are not adulterated, are fit for use as human food, and are stored, handled, and used in a sanitary manner.

(c) Examination of the eggs or egg products used in the products to assure they are wholesome, not adulterated, and comply with the temperature, pasteurization, or other applicable requirements.

(d) Inspection during the processing and production of the product to determine compliance with any applicable standard or specification for such product.

(e) Examination during processing of the product to assure compliance with approved formulas and labeling.

(f) Test weighing and organoleptic examinations of finished product.

## Subpart B—Official U.S. Standards for Palatability Scores for Dried Whole Eggs

### § 55.800 Preparation of samples for palatability test.

Reconstitute 33 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a suitable, clean container. Add the water and mix until the mixture is smooth and free from lumps. Place the container in gently boiling water and stir the mixture while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for the palatability test.

### § 55.820 Palatability scores for dried whole eggs.

The palatibility score of the prepared sample shall be determined by a panel of officially qualified graders of dried eggs of the Consumer and Marketing Service, and shall be rated in accordance with the following table:

| Score: | Description of Quality |
|---|---|
| 8 ----- | No detectable off flavor, comparable to high quality fresh shell eggs. |
| 7½ --- | Very slight off flavor. |
| 7 ----- | Slight but not unpleasant off flavor. |
| 6½ --- | Definite but not unpleasant off flavor. |
| 6 ----- | Pronounced off flavor (slightly unpleasant). |
| 5 ----- | Unpleasant off flavor. |
| 4 ----- | Definite unpleasant off flavor. |
| 3 ----- | Pronounced unpleasant off flavor. |
| 2 ----- | Repulsive flavor. |
| 1 ----- | Definite repulsive flavor. |
| 0 ----- | Pronounced repulsive flavor. |

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

The mandatory egg and egg products inspection regulations (7 CFR Part 59) were issued in the FEDERAL REGISTER on May 28, 1971 (36 F.R. 9814–9834), to become effective July 1, 1971. These revised voluntary regulations (7 CFR Part 55) reference certain sections and provisions contained in the mandatory inspection regulations. Therefore, it was necessary to have the mandatory inspection regulations in final form before these voluntary inspection regulations could be issued. Some of the inspection activities not covered by the mandatory inspection regulations (7 CFR Part 59), are covered by these revised voluntary inspection regulations (7 CFR Part 55) and will be performed in the same processing plant. Services offered outside official plants will also be under the voluntary program. Therefore, in order to maintain an orderly transition in the respective inspection programs, it is essential that the effective date be the same for both the mandatory and voluntary inspection programs. Accordingly, pursuant to 5 U.S.C. 553, good cause is found for making these revised voluntary regulations effective less than 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 14th day of June 1971, to become effective July 1, 1971.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[FR Doc.71-8599 Filed 6-18-71;8:45 am]

---

# Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

*Correction*

In F.R. Doc. 71-8200 appearing at page 11271 in the issue for Friday, June 11, 1971, the following changes should be made:

1. In the second line of § 719.2(f)(5), the reference to "§ 710.10" should read "§ 719.10".

2. The third line of § 719.11(g)(4), now reading "a farm and the cropland on the farm so", should read "a farm and the cropland on the land so".

---

# Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 485]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

### § 910.785 Lemon Regulation 485.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 15, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 20, 1971, through June 26, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 17, 1971.

PAUL A. NICHOLSON,
*Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[FR Doc.71-8713 Filed 6-18-71;8:50 am]

---

[Peach Reg. 1, Amdt. 2]

## PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

### Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of June 5, 1971 (36 F.R. 10979), that the Department was giving consideration to a proposal to amend § 917.421 (Peach Reg. 1; 36 F.R. 8671 and 9765) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was submitted by the Peach Commodity Committee, established pursuant to said amended marketing agreement and order. Such recommendation by said committee reflects its appraisal of the 1971 California peach crop and the current and prospective market conditions. Said amendment would specify minimum sizes by name, for additional varieties of peaches and raise the minimum size requirements for varieties not specifically named in the regulation, shipped on and after the dates specified in the amendment, in recognition of the fact that the later varieties are larger in size at maturity than the earlier varieties.

The amendment reflects the prevailing supply and market situation and is consistent with the objectives of the act in that it will tend to assure desirable peaches to consumers and fair returns to producers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Peach Commodity Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the specified varieties of such peaches are expected to begin on or about the effective date hereof and this amendment should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this amendment, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 10979), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

*Order.* Section 917.421 (Peach Reg. 1; 36 F.R. 8671 and 9765) is hereby amended to read as follows:

### § 917.421 Peach Regulation 1.

(a) Order: During the period June 21, 1971, through October 31, 1971, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade;

(2) Any package or container of Arm Gold, Pat's Pride, Springtime, or Royal Gold variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than $2^{7}/_{16}$ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent by count of peaches in any container may fail to meet such diameter requirement.

(3) Any package or container of Robin, Babcock, Blazing Gold, Cardinal, Dixired, Gold Dust, Merrill Gemfree, Royal May, or Early Coronet variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box, or a No. 12B standard peach box measure not less than $2^{1}/_{4}$ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(4) Any package or container of Coronet, Redhaven, Regina, Red Top, Merrill Gem, or Gaiety variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the

requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(5) Any package or container of Alamar, Carnival, July Elberta (Early Elberta, Kim Elberta, and Socala), Fay Elberta, Regular Elberta, Fayette, Fiesta, Fortyniner, John Gee, J. H. Hale, Halloween, Pacifica, Pageant, Summerset, Suncrest, Red Globe, or Rio Oso Gem variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the peach box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⁷⁄₁₆ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(b) During the period June 21, 1971, through June 30, 1971, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraph (2), (3), (4), or (5) of paragraph (a) of this section unless:

(1) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(2) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(c) During the period July 1, 1971, through October 31, 1971, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraph (2), (3), (4), or (5) of paragraph (a) of this section unless:

(1) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the lug box;

(2) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the peach box; or

(3) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided,* That more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(d) Terms used in the amended marketing agreement and order shall, when used herein have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," and "standard pack," and shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title); "No. 22D standard lug box" and "No. 12B standard peach box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

Dated, June 16, 1971, to become effective June 21, 1971.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[FR Doc.71-8695 Filed 6-18-71;8:50 am]

---

[Avocado Reg. 19]

## PART 944—FRUIT; IMPORT REGULATIONS

### Avocados

On June 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 10740) that consideration was being given to a proposed regulation, which would limit the importation of avocados into the United States, pursuant to Part 944—Fruit; Import Regulations (7 CFR Part 944). This import regulation sets forth size, quality, and maturity requirements which are comparable to the domestic requirements which became effective June 14, 1971, for avocados grown in South Florida. The import regulation is effective pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such requirements mandatory; (b) such provisions contain size, quality, and maturity requirements comparable to the domestic requirements for avocados grown in South Florida under Avocado Regulation 13, which became effective June 14, 1971; (c) notice that such action was being considered, except for a slight modification of certain permissible shipment dates for certain weights or diameters of the Pollock, Catalina, and Trapp varieties, and for a later effective date of this regulation, was published in the June 2, 1971, issue of the FEDERAL REGISTER (36 F.R. 10740), and no objection to this regulation was received; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

§ 944.11 Avocado Regulation 19.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 23, 1971, through April 30, 1972, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 5, 1971; (ii) from July 5, 1971, to July 12, 1971; unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3¹¹⁄₁₆ inches in diameter; and (iii) from July 12, 1971, to July 26, 1971, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3⁷⁄₁₆ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 13, 1971; (ii) from September 13, 1971, to September 20, 1971, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 20, 1971, to October 4, 1971, unless the individual fruit in each such lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 9, 1971; (ii) from August 9, 1971, to August 23, 1971, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3¹⁰⁄₁₆ inches in diameter; and (iii) from August 23, 1971, to September 6, 1971, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3⁷⁄₁₆ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties, and West Indian varieties not listed elsewhere in this section, shall not be imported (i) prior to July 5, 1971; (ii) from July 5, 1971, through July 11, 1971, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 12, 1971, through August 1, 1971, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from August 2, 1971, through August 29, 1971, unless the

individual fruit in each lot of such avocados weighs at least 14 ounces; and (v) from August 30, 1971, through September 19, 1971, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in this section shall not be imported (i) prior to September 20, 1971; (ii) from September 20, 1971, through October 17, 1971, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 18, 1971, through December 19, 1971, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided,* That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

| Ports | Office | Advance notice |
|---|---|---|
| All Texas points. | L. M. Denbo, 506 South Nebraska St., San Juan, TX 78589 (Phone—512-787-4091) | 1 day. |
| | or | |
| | A. D. Mitchell, Room 516, U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-6351, Ex. 6349). | Do. |
| All New York points. | Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7668 and 7669) | Do. |
| | or | |
| | Charles D. Renick, 170 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1695). | Do. |
| All Arizona points. | B. O. Morgan, 225 Terrace Ave., Nogales, AZ 85621 (Phone—602-287-2922). | Do. |
| All Florida points. | Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, FL 33136 (Phone—305-371-2571) | Do. |
| | or | |
| | Hubert S. Flynt, 775 Warner Lane, Orlando, FL 32812 (Phone—305-841-2141) | Do. |
| | or | |
| | Kenneth C. McCourt, Unit 46, 335 Bright Ave., Jacksonville, FL 32205 (Phone—904-354-5263). | Do. |
| All California points. | Daniel P. Thompson, 784 South Central Ave., Room 294, Los Angeles, CA 90012 (Phone—213-622-8750). | 3 days. |
| All Louisiana points. | Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70013 (Phone—504-527-6741 and 6742). | 1 day. |
| All other points. | D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-388-6870). | 3 days. |

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: "Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended."

(f) Notwithstanding any other provisions of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this section are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (§§ 51.3050–51.3069 of this title). Importation means release from custody of the U.S. Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1971, to become effective June 23, 1971.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[FR Doc.71-8714 Filed 6-18-71;8:50 am]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

### PART 222—BANK HOLDING COMPANIES

### Nonbanking Activities of Bank Holding Companies

By notice of proposed rule making published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority under section 4(c)(8) of the Bank Holding Company Act to permit holding companies to engage directly or through a subsidiary in "providing bookkeeping or data processing services for (i) the holding company and its subsidiaries, (ii) other financial institutions or (iii) others: *Provided,* That the value of services performed by the company for such persons is not a principal portion of the total value of all such services performed".

A hearing was held before members of the Board on April 16, 1971, on the

question of the extent to which data processing services are "so closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Act. The notice of hearing set forth several alternatives to the proposal announced in January that had been suggested in written comments on the proposal for consideration by the Board in describing data processing services that are closely related to banking (36 F.R. 5622).

Following consideration of the comments received and the record of the hearing, the Board has abandoned the quantitative approach of its proposal in favor of a qualitative description of services the Board has determined are closely related to banking. Accordingly, it has amended § 222.4(a) by changing the period at the end of the introductory text thereof to a semicolon and adding subparagraph (8) as set forth below, effective July 1, 1971. To clarify the Board's views on this matter, it has added a paragraph to § 222.123, its recently adopted interpretation on activities closely related to banking. That paragraph is also set forth below:

§ 222.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * *

(8) (i) Providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and (ii) storing and processing other banking, financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services.

* * * * *

§ 222.123 Activities closely related to banking.

* * * * *

(g) Data processing: The authority of holding companies under § 222.4(a) to engage in data processing activities is intended to permit holding companies to process, by means of a computer or otherwise, data for others of the kinds banks have processed, by one means or another, in conducting their internal operations and accommodating their customers. It is not intended to permit holding companies to engage in automated data processing activities by developing programs either upon their own initiative or upon request, unless the data involved are financially oriented. The Board regards as incidental activities necessary to carry on the permissible activities in this area the following: (1) Making excess computer time available to anyone so long as the only involvement by the holding company system is furnishing the facility and necessary operating personnel; (2) selling a byproduct of the development of a program for a permissible data processing activity; and (3) furnishing any data processing service upon request of a customer if such data processing service is not otherwise reasonably available in the relevant market area.

Effective date: July 1, 1971.

By order of the Board of Governors, June 10, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8647 Filed 6-18-71;8:45 am]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-NE-1]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Continental Control Area; Correction

On May 19, 1971, F.R. Doc. 71-6931 was published in the FEDERAL REGISTER (36 F.R. 9067) and was effective May 19, 1971.

This document amended Part 71 of the Federal Aviation Regulations in part by revoking R-4105 from the Continental Control Area, whereas R-4105 should have been retained within this control area. Accordingly, action is taken herein to reinsert R-4105 in the Continental Control Area.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (6-19-71), F.R. Doc. 71-6931 is amended as hereinafter set forth.

Item No. 1 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 16, 1971.

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.71-8669 Filed 6-18-71;8:47 am]

[Airspace Docket No. 71-SO-61]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Areas

*Correction*

In F.R. Doc.71-8083 appearing on page 11188 in the issue of Thursday, June 10, 1971, the penultimate line of the Waycross, Ga., transition area description reading "Airport (lat. 31°11'06" N., long. 32°16'25"" should read "Airport (lat. 31°11'06" N., long. 82°16'25"".

[Airspace Docket No. 71-SW-19]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

### Change of Names of Federal Airway and Jet Route Segments and Domestic Low Altitude Reporting Points

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to effect editorial changes to VOR Federal airway Nos. 9, 15, 16, 17, 18, and 163; Jet Route Nos. 23 and 86; and Domestic Low Altitude Reporting Point "Mineral Wells, Tex."

In order to eliminate duplication of location names, the names of three VORTAC facilities in the Southwest Region are being changed as follows:

| *Present Name* | *Future Name* |
|---|---|
| Mineral Wells, Tex. | Millsap, Tex. |
| Galveston, Tex. | Scholes, Tex. |
| Grand Isle, La. | Leeville, La. |

Since these amendments are editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 494, 2010, 3892, 4043) is amended as follows:

1. In V-9 delete "From Grand Isle, La., via INT Grand Isle," and substitute therefor "From Leeville, La., via INT Leeville,".
2. In V-15 delete "From Galveston, Tex.," and substitute therefor "From Scholes, Tex.,".
3. In V-16 delete all references to "Mineral Wells, Tex." and substitute therefor "Millsap, Tex."
4. In V-17 delete all references to "Mineral Wells, Tex." and substitute therefor "Millsap, Tex."
5. In V-18 delete "From Mineral Wells, Tex.;" and substitute therefor "From Millsap, Tex.;".
6. In V-70 delete all references to "Galveston, Tex." and substitute therefor "Scholes, Tex."
7. In V-76 delete all references to "Galveston, Tex." and substitute therefor "Scholes, Tex."

8. In V–163 delete "Mineral Wells, Tex.;" and substitute therefor "Millsap, Tex.;".

9. In V–180 delete all references to "Galveston, Tex." and substitute therefor "Scholes, Tex."

Section 75.100 (36 F.R. 2371) is amended as follows:

1. In J–23 delete "Mineral Wells, Tex.;" and substitute therefor "Millsap, Tex.;".

2. In J–86 delete "Grand Isle, La.; INT of Grand Isle 104°" and substitute therefor "Leeville, La.; INT of Leeville 104°."

Section 71.203 (36 F.R. 2301) is amended as follows: In Domestic Low Altitude Reporting Points delete "Mineral Wells, Tex." and substitute therefor "Millsap, Tex."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 15, 1971.

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.71–8676 Filed 6–18–71;8:48 am]

[Airspace Docket No. 70–WA–42]

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

### Designation of Area High Routes

On January 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1275) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 10 area high routes, J811R through J820R, as a part of the overall program to establish an area navigation jet route structure.

Three of the proposed routes—J813R, J814R, and J816R—have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received to these three routes.

Reference facilities for two waypoints in J816R have been changed to provide more precise route guidance. These changes are minor in nature and are made herein without changing the route alignment.

Subsequent to issuance of the notice, it was determined that due to an impending revision to the traffic flow in the Washington ARTCC area known as the Capital Complex Plan, J817R (Boston, Mass., to Washington, D.C.) and J818R (Washington, D.C., to Boston, Mass.), should be withdrawn and they will be reissued in another notice at a later date.

The remaining routes in Airspace Docket No. 70–WA–42 will be issued in a final rule as soon as certain objections are reconciled and flight inspection is performed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

| Waypoint name | Location N. lat./W. long. | Reference facility |
|---|---|---|
| J813R | | |
| Bremen, Ga. | 33°33'32"/85°12'15" | Montgomery, Ala. |
| Montgomery, Ala., VORTAC. | 32°13'20"/86°15'11" | Do. |
| Monroeville, Ala. | 31°27'37"/87°21'10" | Do. |
| New Orleans, La., VORTAC. | 30°01'47"/90°10'20" | New Orleans, La. |
| J814R | | |
| New Orleans, La., VORTAC. | 30°01'47"/90°10'20" | Do. |
| Monroeville, Ala. | 31°27'37"/87°21'10" | Montgomery, Ala. |
| Texas, Ga. | 33°02'35"/85°12'27" | Do. |
| J816R | | |
| Social Circle, Ga. | 33°37'10"/83°36'42" | Spartanburg, S.C. |
| Lincolnton, N.C. | 35°12'11"/80°55'57" | Do. |
| Richmond, Va. | 37°30'06"/77°19'14" | Flat Rock, Va. |
| Marburg, Va. | 38°30'27"/77°01'05" | Do. |

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 15, 1971.

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.71–8675 Filed 6–18–71;8:48 am]

[Airspace Docket No. 70–EA–86]

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

### Designation of Area High Routes

On March 6, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4510) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations which would designate three area high routes from the vicinity of New York City through the New England area of the United States.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No adverse comments were received.

The reference facility for the Cherry Plain, N.Y., waypoint has been changed from Hampton, N.Y., to Albany, N.Y., to provide more precise route guidance. This change does not alter the route alinement.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

| Waypoint name | Location N. lat./W. long. | Reference facility |
|---|---|---|
| J807R | | |
| Belle Terre, Conn. | 41°02'17"/73°06'51" | Hampton, N.Y. |
| Cherry Plain, N.Y. | 42°40'52"/73°15'11" | Albany, N.Y. |
| Holland, Vt. | 44°57'29"/71°57'58" | Plattsburgh, N.Y. |
| J808R | | |
| Squid, N.Y. | 40°31'19"/72°47'56" | Kennedy, N.Y. |
| Mary Ann, Mass. | 41°27'31"/70°09'06" | Nantucket, Mass. |
| Whaler, Mass. | 42°11'45"/67°00'28" | Do. |
| J809R | | |
| Squid, N.Y. | 40°31'19"/72°47'56" | Kennedy, N.Y. |
| Mary Ann, Mass. | 41°27'31"/70°09'06" | Nantucket, Mass. |
| Davey, Maine | 42°55'46"/67°22'53" | Do. |

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 15, 1971.

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.71–8657 Filed 6–18–71;8:46 am]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–51; Amdt. 1]

## PART 374—IMPLEMENTATION OF THE CONSUMER CREDIT PROTECTION ACT (OTHERWISE KNOWN AS THE TRUTH IN LENDING ACT AND THE FAIR CREDIT REPORTING ACT) WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

### *Purpose*

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1971.

By SPR–49 adopted June 7, 1971, and effective June 10, 1971, and published at 36 F.R. 11189, the Board amended Part 374[1] of the Special Regulations to call attention to the recent amendments to the Consumer Credit Protection Act and the regulations of the Federal Reserve Board relating thereto insofar as they relate to air carriers and foreign air carriers. By SPR–49 the Board also reissued the part. The rule contains an incorrect citation to Regulation Z of the Board of Governors of the Federal Reserve System. This amendment corrects the citation.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on July 9, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 and 385.54).

[1] The title of Part 374 has been modified to incorporate the formal name of the statute which is "Consumer Credit Protection Act." Title I of the Act is the Truth in Lending Act and title VI thereof is the Fair Credit Reporting Act.

Accordingly, the Board hereby amends Part 374 of the Special Regulations (14 CFR Part 374) effective July 9, 1971, as follows:

Amend § 374.1(c) to read as follows:

§ 374.1 Purpose.

* * * * *

(c) The Board of Governors of the Federal Reserve System has the statutory responsibility for prescribing regulations to carry out the purposes of the Truth in Lending Act. It has promulgated Regulation Z (12 CFR Part 226) to implement the provisions of this Act. Regulation Z has been amended to prescribe rules to implement the credit card provisions of the Truth in Lending Act (36 F.R. 1040, January 22, 1971).

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] O. D. OZMENT,
*Acting General Counsel.*

[FR Doc.71-8682 Filed 6-18-71;8:48 am]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs. (Amdt. 24)]

## PART 371—GENERAL LICENSES

## PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

### People's Republic of China and Eastern Europe

Parts 371 and 376 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: June 11, 1971.

RAUER H. MEYER,
*Director, Office of Export Control.*

1. In § 371.3, a new paragraph (c) is added to read as follows:

§ 371.3 General License G–DEST; shipments of commodities to destinations not requiring a validated license.

* * * * *

(c) *Exceptions to validated license requirement for People's Republic of China.* The commodities listed in Supplement No. 1 to Part 371 are exportable to the People's Republic of China under this general license regardless of the symbol "Z" shown in the column entitled "Validated License Required for Country Groups Shown Below" on the Commodity Control List.

2. The following Supplement No. 1 is added to Part 371:

### Supplement No. 1—Exceptions to Country Group Z Validated License Requirement

The following commodities are exportable to the People's Republic of China under General License G–DEST even though such commodities are identified on the Commodity Control List by the symbol "Z" in the column entitled "Validated License Required for Country Groups Shown Below":

EXPORT CONTROL COMMODITY NUMBER[1] AND COMMODITY DESCRIPTION

0(*1*) and (2) Food and live animals, except inbred cereal grain seed.

1(*1*) Beverages, tobacco, and tobacco manufactures.

21(*1*) Hides, skins, and fur skins, undressed.

22(*1*) Oil seeds, oil nuts, oil kernels, and flour and meal thereof.

23(*5*) Crude natural rubber and similar natural gum; neoprene (polymers of chloroprene); alkyl polysulfide liquid rubber, n.e.c.; styrene-butadiene rubber and butyl rubber, and reclaimed rubber, waste, and scrap, thereof.

24(*3*) Wood, lumber, and cork.

25(2) Pulp and waste paper.

26(*5*) Textile fibers, not manufactured into yarn, thread, or fabrics, and their waste, except staple, not carded or combed, and continuous filament tow, wholly made of fluorocarbon polymers or copolymers; and used, obsolete, and reject materials bearing the design of any version of the flag of the United States of America.

27(*5*) Crude fertilizers and crude minerals (excluding coal, petroleum, and precious stones), except natural graphite; natural quartz; lithium ores and concentrates; celestite; gallium sesquioxide; lutetium oxide; strontium sulfate; strontianite; strontium carbonate; cerium ores; and other rare earth.

28(*21*) Terne plated scrap; tin-plated scrap which has not been detinned.

28(*21*) Metalliferous ores and concentrates, as follows: Antimony, bauxite and aluminum concentrates, chromium, cobalt, iron, lead, manganese containing over 10 percent manganese, platinum and platinum group, silver, tin, tungsten, vanadium, and zinc.

28(*21*) Nonferrous base ash and residues, as follows: aluminum, lead, tin, and zinc.

28(*21*) Nonferrous metal waste and scrap as follows: aluminum, lead, magnesium except as listed in entry No. 28(*19*), platinum and platinum group, silver, tin, and zinc (including zinc dust).

29(*3*) Crude animal and vegetable materials, n.e.c., except inbred forage sorghum seed; cinchona bark; pyrethrum; and rotenone-bearing roots, crude, ground, or powdered.

3(*15*) Coal, charcoal, and coke and briquets, except gilsocarbon coke or other coke derived from gilsonite; and petroleum coke.

4(2) Animal and vegetable oils and fats, except oils, boiled, oxidized, dehydrated, blown, or polymerized; and hydrogenated, fats and oils, other than fish and fish liver oils, including unmixed and those that have not been further prepared for food purposes.

512(*29*) Coal tar and other cyclic chemical intermediates listed in § 399.2, Interpretation 24(a), except resorcinol and toluene.

512(*29*) Synthetic organic medicinal chemicals, in bulk, listed in § 399.2, Interpretation 24(a).

512(*29*) Rubber compounding chemicals listed in § 399.2, Interpretation 24(a).

512(*29*) Plasticizers listed in § 399.2, Interpretation 24(a).

512(*29*) Synthetic organic chemicals listed in § 399.2, Interpretation 24(a).

512(*29*) Miscellaneous industrial and other organic chemicals listed in § 399.2, Interpretation 24(a), except boric acid esters, bromomonochlorodifluoromethane, bromotrifluoromethan, chloropentafluoroethane, chlorotrifluoromethane, difluoroethane, diorgano siloxanes capable of being polymerized to rubbery products, monochlorodifluoroethane, monochlorodifluoromethane, tetrachlorodifluoroethane, tetrafluoromethane, and trichlorofluoromethane.

513(*28*) Inorganic chemical elements, oxides, hydroxides, peroxides, and halogen salts listed in § 399.2, Interpretation 24(a), except pyrographite (deposited carbon), mercury (quick-silver); oxygen, nitrogen, hydrogen, argon, and neon; chlorosulfonic acid; other zinc oxides, n.e.c.; and other iron, lead, manganese, and titanium oxides, n.e.c.

514(*32*) Inorganic chemicals listed in § 399.2, Interpretation 24(a), except refined borates, boron compounds and mixtures, niobium compounds, silicon carbide, tantalum compounds, tantalum-niobium compounds, titanium carbide, titanium tetrachloride, and titanium trichloride.

52(2) Mineral tar; ammoniacal gas liquors and spent oxide produced in coal gas purification; crude benzene, or pyridine; creosote; creosote oil distillates; dead oil; and resinous oil X–1.

53(*7*) Dyeing, tanning, and coloring materials, natural, and synthetic; and pigments, paints, varnishes, and related materials, except those listed in entries No. 43 (*1*) through (*6*).

54(*5*) Medicinal and pharmaceutical products, except those listed in entries No. 54 (*1*) through (*4*).

55(2) Essential oils and perfume materials; and toilet, polishing, and cleansing preparations, except those listed in entry No. 55(*1*).

56(2) Manufactured fertilizers, except nitrogenous chemical fertilizers, n.e.c.; basic slag; potassium chloride, all grades, and those listed in entry No. 56(*1*).

57(*7*) Commodities classified under Schedule B Nos. 571.1100 through 571.4030, except hunting and sporting ammunition, n.e.c.; and parts, n.e.c.; and those listed in entries No. 57 (*1*) through (*6*).

581(*18*) Polymers, copolymers, and other products, unfinished or semifinished, listed in § 399.2, Interpretation 24(a), except polycarbonate resins, molding and extrusion forms; polyethylene terephthalate film; and polypropylene film.

59(*21*) Chemical materials and products, n.e.c., listed in § 399.2, Interpretation 24(a), except artificial and colloidal graphite, n.e.c.

61(*1*) Leather, leather manufactures, n.e.c., and dressed fur skins.

62(*11*) Rubber manufactures, n.e.c., except those listed in entries No. 62 (*1*) through (*10*).

63(2) Wood and cork manufactures, excluding furniture.

64(*1*) Paper, paperboard, and manufactures thereof.

[1] The italicized number in parentheses represents the sequence of the entry in which the commodity is shown on the Commodity Control List under that Export Control Commodity Number.

651(7) Textile yarn, roving, strand, thread, tire cord and tire cord fabric, except those listed in entries Nos. 651 (1) through (6).

652(2) Fabrics, woven, except used or reject fabric bearing the design of any version of the flag of the United States of America.

653(8) Broad and narrow woven fabrics, except those listed in entries Nos. 653 (1) through (7).

654(3) Narrow woven fabric, trimming, embroideries, and lace machine fabrics, except wholly made of fluorocarbon polymers or copolymers.

655(13) Felts and felt articles; bonded fiber and articles; coated or impregnated fabrics; elastic fabric; cordage, cable, rope, and twine and manufactures thereof; hat bodies; wadding and articles thereof; textile fabrics and articles used in machinery or plant; wicks; gas mantles except those containing thorium; and textile belts, belting, tubing, and hose; except those listed in entries Nos. 655 (1) through (12).

656(7) Textile bags, sacks, made-up canvas goods, blankets, linens and other furnishing articles, and other made-up textile articles, n.e.c., except those listed in entries Nos. 656 (1) through (6).

657(1) Carpets, rugs, linoleum and other floor coverings, and tapestries.

661(1) Lime, cement, building and monumental stone, asphalt and tar roofing, siding, and similar materials, building materials of vegetable substances agglomerated with mineral binding substances, and asbestos-cement or fibercement articles.

662(2) Heat insulating bricks, blocks, tiles, and other heat insulating goods of infusorial earths, kieselguhr, siliceous fossil meal, or similar siliceous earths; and other refractory and nonrefractory construction materials, except those listed in entry No. 622(1).

663(17) Grinding and polishing wheels and stones, coated abrasives, worked mica and articles thereof, mineral insulating materials, articles of plaster, concrete, cement stone, carbon or graphite, refractory products other than construction; asbestos manufactures, friction materials, articles of ceramic materials, except carbon or graphite refractory products, n.e.c., and those listed in entries No. 663 (1) through (16).

664(15) Glass and glassware classified under Schedule B Nos. 664.1300 through 664.9450, except other nonflexible fused fiber optic plates or bundles in which the fiber pitch (center to center spacing) is less than 30 microns, laminated or toughened safety glass for aircraft, and those listed in entries No. 664 (1) through (14).

665(1) Articles of glass, n.e.c., classified under Schedule B Nos. 665.1110 through 665.8500.

666(1) Household ware, ornaments, and furnishing goods of porcelain, china, or ceramic materials classified under Schedule B Nos. 666.4000 through 666.6000.

667(5) Pearls, diamonds, quartz crystals, and other precious and semiprecious stones classified under Schedule B Nos. 667.1000 through 667.4020, except those listed in entries Nos. 667 (1) through (4).

671(7) Spiegeleisen; pig iron, including cast iron; iron or steel shot, angular grit and wire pellets; iron or steel powders; sponge iron or steel; and ferroalloys, except those listed in entries Nos. 671 (1) through (6).

672(5) Ingots and other primary forms, iron or steel, except those containing 6 percent or more cobalt, AISI type 309-S-Cb-Ta, or containing a total of 35 percent or more of alloying elements, other alloy steel coils for rerolling, and those listed in entries No. 672 (1) through (4).

673(4) Bars, rods, angles, shapes, and sections, iron or steel, except those containing 6 percent or more cobalt, AISI type 309-S-Cb-Ta, or containing a total of 35 percent or more of alloying elements, and those listed in entries No. 673 (1) through (3).

674(4) Uncoated plates and sheets, iron or steel, except those listed in entries No. 674 (1) through (3), and (5); and tin mill products.

675(6) Carbon or alloy steel hoop, strip, and skelp, except AISI type 309-S-Cb-Ta, or containing a total of 35 percent or more of alloying elements; and those listed in entries No. 675 (1) through (5).

677(3) Carbon or alloy steel wire, coated or uncoated, except glass to metal sealing alloy containing 6 percent or more cobalt, AISI type 309-S-Cb-Ta, or containing a total of 35 percent or more of alloying elements; and those listed in entries No. 677 (1) and (2).

678(8) Cast iron pressure and soil pipe; welded, clinched, or riveted steel tubes and pipes; electrical and high pressure hydroelectric conduits, all steel grades; and iron or steel tube and pipe fittings; except tubes and pipes, nickel-bearing stainless steel, AISI type 309-S-Cb-Ta, or containing a total of 35 percent or more of alloying elements; forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and designed for a working pressure of over 300 p.s.i. as determined by American Petroleum Institute test; and those listed in entries No. 678 (1) through (7).

679(3) Carbon and alloy steel or grey iron and malleable iron castings and forgings in the rough state, except AISI type 309-S-Cb-Ta, or containing a total of 35 percent or more alloying elements; and those listed in entries No. 679 (1) and (2).

680(1) United States and foreign coins, all metals other than gold.

681(4) Silver-copper brazing alloy and silver leaf.

685(1) Lead or lead alloys, unwrought or wrought.

686(1) Zinc or zinc alloys, unwrought or wrought.

687(1) Tin or tin alloys, unwrought or wrought.

6894(7) Tungsten or tungsten alloys, wrought or unwrought, and waste and scrap, except those listed in entry No. 6894 (1).

6895(19) Base metals and alloys, wrought or unwrought, and waste and scrap, of antimony, chromium, germanium, manganese, thermo bimetal, thermometal, thermostatic metal, and titanium, except those listed in entries No. 6895 (1) through (18), and (20).

691(6) Finished structures and structural parts classified under Schedule B Nos. 691.1015 through 691.3040, except those listed in entries No. 691 (2) and (3).

692(2) Metal containers for storage and transport, except those listed in entry No. 692 (1).

693(5) Wire products other than insulated electric, except wire cable, rope, strand, and cord, stainless steel, suitable for aircraft.

694(1) Nails, screws, nuts, bolts, rivets, and similar articles of iron, steel, or copper.

695(5) Hand tools, cutting tools, dies, and machine knives and blades; and parts therefor; except those listed in entries Nos. 695 (1) through (4).

696(1) Commodities classified under Schedule B Nos. 696.0310 through 696.0935.

697(1) Household equipment of base metals classified under Schedule B Nos. 697.1010 through 697.9300.

6981(1) Padlocks, door locks, hinges and other hardware of base metals, and parts therefore, classified under Schedule B Nos. 698.1110 through 698.1280.

6982(1) Insulated safes, vault doors, interior equipment for vaults, strong rooms and fittings, and strong boxes; and parts, therefor.

6983(1) Chains, iron or steel, and parts classified under Schedule B Nos. 698.3010 through 698.3040.

6984(1) Anchors, grapnels, and parts therefor.

6985(1) Commodities classified under Schedule B Nos. 698.5100 through 698.5300.

6986(2) Springs and leaves for springs, except those listed in entry No. 6986(1).

6988(16) Chains, copper or copper alloy, and parts; crown and canning closures; and metal plates, signs, and tags.

6989(29) Articles of iron, steel, and nonferrous metals listed in § 399.2, Interpretation 32(a), except castings and forgings of niobium, and electrical steel punchings.

711(24) Outboard motors, 15 horsepower and under; and internal combustion engines, 50 horsepower and under, except diesel, and engines for watercraft and automotive vehicles; water turbines and engines, except those listed in entries No. 711 (23) and (23a); and parts and accessories, therefor.

712(8) Agricultural machines and appliances, except those with automatic transmissions; farm and industrial dairy machines; presses and crushers, beverage making; logging skidders; and wheel tractors under 125 power takeoff horsepower, except military; and parts and accessories, n.e.c.

714(12) Typewriters, checkwriting, calculating, statistical, duplicating, and other office machines, n.e.c.; and parts therefor; except those listed in entries No. 714 (1) through (6) and (9) through (11).

71510(15) Portable pipe bending machines; and metal-polishing and buffing machines; manually operated bench and floor types.

7152(3) Ingot molds for heavy steel ingots.

717(1) Machines for: Extruding fibers; preparing and processing fibers into yarn; winding; weaving; knitting; producing trimmings, braids, net and similar articles; washing, cleaning, drying, bleaching, dyeing, dressing, or finishing textiles; commercial laundry, dry cleaning, pressing, and related equipment; household laundry equipment; shoe making and repairing; preparing, tanning, or working hides, skins, or leather; sewing machines and needles; and parts, n.e.c.

718(13) Machinery for making or finishing cellulosic pulp, paper, or paperboard; papercutting machines and other machines for the manufacture of articles of pulp, paper, or paperboard; bookbinding machines; type making and typesetting machines; printing machines; food processing machines; self-propelled road rollers; self-propelled ditchers and trenchers incorporating engines rated 60 horsepower or less; asphalt cutters; clay spades; dredging machines; dirt tampers; farm-type snow

plows; briquetting presses; buggies; cutting machines; grout, plaster, or mortar mixers; and brick, tile, household ceramic, and concrete products manufacturing machines; standard equipment for the assembly of entertainment type receiver tubes or television tubes; glassworking machinery, except those listed in entries No. 718 (*10*) through (*12*); and parts, n.e.c.

7191(*31*) Acetylene gas generating apparatus, unitized; oil and gas furnace burners; mechanical stokers and grates; ash dischargers; bakery ovens; carbon black furnaces; ice-making machines; soda fountain and beer dispensing equipment; air-conditioning and refrigerating equipment, n.e.c.; commercial type cooking and food warming equipment; dental, medical, surgical, and laboratory sterilizers and autoclaves; asphalt heating kettles; bituminous heaters; machines and equipment for processing by means of a change in temperature for paper, rubber, or food products industries; and parts, n.e.c.; except those listed in entries No. 7191 (*1*) through (*30*).

7192(*26*) Pumps, compressors, blowers, and fans listed in § 399.2, Interpretation 29(a), except centrifugal and axial flow compressors, horizontal balanced opposed reciprocating compressors, and gas engine driven integral angle reciprocating compressors; and parts and attachments, n.e.c.

7192(*38*) Centrifuges, separators, and filtering and purifying machines listed in § 399.2, Interpretation 29(a).

7193(*6*) Construction jacks; drill jacks; pendant type overhead hoists; casket lowering devices; elevators and moving stairways; fishing boat winches; self-propelled logging vehicles; logging sulkies and arches; nonmilitary type industrial tractors and lift trucks; industrial trucks, tractors, and portable elevators of a kind used for moving goods in plants, docks, and similar installations; automobile lifts; automotive and aircraft jacks; hand-operated mechanical or hydraulic jacks; farm elevators; and conveying equipment other than automated, the following only: Gravity, overhead trolley pneumatic tube, portable, underground mine, loaders, and vibrators; and parts, n.e.c.

7194(*1*) Domestic food-processing appliances, refrigerators, freezers, and water heaters, nonelectric; and parts.

7195(*11*) Machines for working asbestos-cement, ceramics, concrete, stone and similar mineral materials, wood, cork, bone, ebonite, hard plastics, and other hard carving materials; and parts, n.e.c.; and parts for manually operated bench and floor type metal-polishing and buffing machines.

7196(*4*) Calendering machines and similar rolling machines; dishwashing, bottling, canning, packaging, wrapping, filling, and sealing machines; weighing machines and scales; sprayers and spraying equipment; automatic merchandising machines; railway track fixtures and fittings, n.e.c.; signalling and controlling equipment, mechanical, not electrically powered, for road, rail, water, or airfield traffic; and parts, n.e.c.

71980(*29*) Machines and mechanical appliances listed in § 399.2, Interpretation 29(a)

7199(*21*) Molding boxes and molds other than ingot molds, except for artillery molding or casting; taps, cocks, valves, and similar appliances, except those listed in entries No. 7199 (*1*) through (*14*); gaskets (joints), laminated metal and nonmetal material, or set of gaskets of two or more materials, except those listed in entries No. 7199 (*17*) through (*19*); oil seal rings; and paddle wheels for watercraft; and parts, n.e.c.

722(*30*) Motors; generators; generating sets; rotating equipment; transformers; fluorescent ballasts; regulators; rectifiers; coils; reactors; chokes; power supplies; electrical apparatus for making, breaking, or protecting electrical circuits; industrial controls; connectors; resistors; potentiometers; current carrying devices; electrical control equipment for motors and generators for railway equipment; and parts, n.e.c., except those listed in entries No. 722 (*1*) through (*29*).

723(*16*) Ignition harness and cable sets, automotive type; appliance cord sets and other flexible cord sets; electrical insulators, fittings, and conduit tubing and joints of base metal, with insulating materials, except fluorocarbon polymers or copolymers; and insulating nickel wire of alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content, except fluorocarbon polymer or copolymer insulation.

724(*23*) Television broadcast receivers, whether or not combined with radio or phonograph, and parts, n.e.c.; television or radio tuners, chassis, and unassembled kits; household type radios including radiophonograph combinations, and parts, n.e.c.; automobile radios other than two-way radios, and parts, n.e.c.; telephone repeater equipment; microphones; audiofrequency sound amplifiers; public address systems; loudspeakers; and untuned amplifiers having a bandwidth of less than 30 MHz and a power output not exceeding 5 watts; except those listed in entries No. 724 (*1*) through (*20*).

725(*1*) Household type refrigerators, freezers, and washing machines; electromechanical household and commercial type appliances, n.e.c.; electric shavers and hair clippers; and electric household type cooking equipment and electrothermic appliances, n.e.c.; and parts, n.e.c.

726(*6*) Electromedical and electrotherapeutic apparatus, medical and dental X-ray and gamma ray equipment, and medical and dental apparatus based on the use of radiation from radioactive substances, except those listed in entries No. 726 (*1*) through (*5*); and parts, n.e.c.

7291(*2*) Primary and storage batteries and cells, except electrochemical and radioactive devices listed in entry No. 7291 (*1*); and parts, n.e.c.

72920(*6*) Filament lamps (bulbs and tubes) up to and including ¾-inch base; single coil tungsten filaments; filament bulbs over three-fourths inch, the following only: carbon, clear, frosted, incandescent, metal, photoflood, or projection; and parts, n.e.c.

72930(*25*) Electron tubes, solid state semiconductor devices, and piezoelectric crystals; and parts, n.e.c., except those listed in entries No. 72930 (*1*) through (*24*).

7294(*3*) Electrical starting and ignition equipment, except those listed in entries No. 7294 (*1*) and (*2*); and motor vehicle lighting and signalling equipment, including wipers, horns, and defrosters; and parts, n.e.c.

7295(*3*) Other cathode ray oscilloscopes; and other electronic devices for stroboscopic analysis designed to be used in conjunction with an oscilloscope; except those listed in entries No. 7295 (*1*) and (*2*).

7295(*89*) Electricity supply meters; and instruments, n.e.c. for measuring, analyzing, indicating, recording, or testing electric or electronic quantities or characteristics, except instruments, n.e.c., operating at frequencies of 300 MHz or less; and those listed in entries No. 7295 (*1*), (*2*), and (*4*) through (*88*).

72960(*1*) Electromechanical hand tools; and parts.

7299(*17*) Electromagnetic and permanent magnetic chucks, clamps, vises, and similar work holders for metalworking machines and machine tools, except those listed in entry No. 7299(*3*); electric dental furnaces; infrared and high frequency industrial ovens for biscuit baking; and parts, n.e.c.

7299(*43*) Capacitor for electronic applications, except those listed in entries No. 7299 (*29*), (*29a*), and (*30*); other capacitors, except for aircraft; brush plates, electrical carbon brushes, and lighting carbons, except electrodes and electrical carbons, and those listed in entries No. 7299 (*19*) through (*25*); resistor-capacitor assemblies and subassemblies, except those listed in entries No. 7299 (*30*) through (*32*); and electric windshield wipers; and parts, n.e.c.

731(*3*) Parts for locomotives, except axles and wheels.

732(*25*) Passenger cars, except those having front and rear axle drive; motorcycles; motor bikes; and motor scooters; and parts and accessories, n.e.c.

732(*25*) Parts and accessories, n.e.c., for (a) logging skidders, and (b) wheel tractors under 125 power takeoff horsepower, except military.

733(*4*) Commodities classified under Schedule B Nos. 733.1100 through 733.4000, except those listed in entries No. 733 (*1*) through (*3*).

734(*14*) Nonmilitary gliders, sailplanes, and other nonpowered aircraft, n.e.c., and balloons, except balloons listed in entry No. 734(*8*); and parts and accessories, n.e.c.

735(*2*) Buoys, all metals; pontoons for pipe lines, iron or steel; and fiber glass swimming pools, floating.

81(*2*) Commodities classified under Schedule B Nos. 812.1010 through 812.4320, except those listed in entry No. 81(*1*).

82(*1*) Commodities classified under Schedule B. Nos. 821.0200 through 821.0885.

83(*1*) Commodities classified under Schedule B Nos. 831.0010 through 831.0050.

84(*1*) Commodities classified under Schedule B Nos. 841.1102 through 842.0200.

85(*1*) Commodities classified under Schedule B Nos. 851.0010 through 851.0090.

8611(*9*) Lenses and other optical elements for X-ray powder cameras; halftone glass screens; projection lenses; and optical elements, mounted, except nonflexible fused fiber optic plates and or bundles, optically worked, in which the fiber pitch (center to center spacing) is less than 30 microns; and those listed in entries No. 3611 (*1*) through (*8*).

8612(*1*) Spectacles and goggles; and parts.

8613(*4*) Optical appliances, n.e.c., except those listed in entries No. 8613 (*1*) through (*3*).

86140(*8*) Hand type still cameras, fixed focus; microfilming cameras; still camera stands; tripods; flash synchronizers; and X-ray powder cameras; and parts and accessories.

8616(*2*) Still picture photographic projectors, enlargers, and reducers, and parts, n.e.c.; photoscales (enlarger parts); microfilming equipment, n.e.c., photocopying equipment, as follows: Office and

document-copying machines, including but not limited to equipment employing the silver process, transfer process, thermographic process, and the electrophotographic or electrostatic process; and still picture equipment, as follows: Analyzers, cutting boards, developing equipment, dry mounting presses, hangers, glass photo baths, print rollers, printing frames and masks, and shading machines; and parts therefor.

8617(4) Medical, dental, surgical, ophthalmic, and veterinary instruments and apparatus, other than electromedical; and mechanical physical therapy appliances and respiratory equipment; and parts therefor; except those listed in entries No. 8617 (1) through (3).

8618(1) Gas or liquid supply meters.

8618(4) Revolution counters, production counters, speedometers, and similar counting devices, not electric or electronic, except those listed in entries No. 8618 (2) and (3):

8619(60) Parts and accessories, n.e.c., for meters, instruments, appliances, and devices included on this list under entry Nos. 7295 (3) and (89), and 8618 (1) and (4).

8619(61) Instruments, appliances, or machines, not electric or electronic, as follows: surveying, hydrographic, navigational, meteorological, hydrological, geophysical, compasses, rangefinders, laboratory balances, drawing, marking-out, calculating, drafting, measuring, checking, hydrometers and similar instruments, thermometers, pyrometers, barometers, hygrometers, and psychrometers; and parts therefor; except those listed in entries No. 8619 (1) through (59) and parts therefor in entry No. 8619(60).

862(6) Prepared photographic chemicals, *the following only:* developers, except those listed in entry No. (1), fixers, intensifiers, reducers, toners, clearing agents, and flashlight materials; except photoresist formulations based on naturally occurring glues, gums, gelatins, albumens, shellacs, or lacquers:

864(1) Watches and clocks; and parts, n.e.c.

891(9) Magnetic recording and/or reproducing equipment designed for voice and music only; dictating machines; phonographs; record players; magnetic recording media designed for voice and music only; phonograph records and record blanks; musical instruments; and parts and accessories, n.e.c.

892(5) Commodities classified under Schedule B Nos. 892.1110 through 892.9850.

89300(14) Finished articles (other than laminates and unsupported film, sheet, and other shapes) of artificial plastic materials, n.e.c., except nonflexible fused fiber optic plates or bundles, and those listed in entries No. 89300 (1) through (13).

894(3) Commodities classified under Schedule B Nos. 894.1010 through 894.5000, except those listed in entry 894(1).

895(1) Office and stationery supplies, n.e.c.

896(1) Works of art, collectors' pieces, and antiques.

897(3) Jewelry and goldsmiths' and silversmiths' wares, except platinum-clad molybdenum tubing.

899(6) Manufactured articles, n.e.c., except those listed in entries No. 899 (1) through (5), and (7).

9(10) Live animals, n.e.c., including zoo animals, dogs, cats, insects, and birds; and coins, other than gold coins, not being legal tender.

§ 376.3 [Deleted]

3. Section 376.3 is deleted.

[FR Doc.71-8520 Filed 6-18-71;8:45 am]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### SUBCHAPTER C—DRUGS

### PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

### Erythromycin Thiocyanate

The Commissioner of Food and Drugs has evaluated a new animal drug application (41-955V) filed by Amdal Co., Division of Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064, proposing the safe and effective use of erythromycin when administered in swine feed for the purposes set forth below. The application is approved.

Based upon an evaluation of the data before him, the Commissioner concludes that a tolerance is required to assure that edible tissues of swine treated with erythromycin are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135g are amended as follows:

1. Section 121.292 is amended in the table in paragraph (d) by adding a new item 6.1 as follows:

§ 121.292 Erythromycin thiocyanate.

* * * * *

(d) * * *

ERYTHROMYCIN IN ANIMAL FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | | Indications for use |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| 5.1 * * * | | | | | | |
| 6.1 Erythromycin | 10-70 | | | For swine; feed from 10 to 70 grams per ton to starter pigs up to 35 pounds of body weight and 10 grams per ton to grower-finishing pigs. | | For increase in rate of weight gain and improved feed efficiency in starter and grower-finishing pigs. |

2. Section 135g.34 is revised to read as follows:

§ 135g.34 Erythromycin.

Tolerances for residues of erythromycin in food are established as follows:

(a) 0.1 part per million (negligible residue) in uncooked edible tissues of swine.

(b) Zero in uncooked edible tissues of chickens, turkeys, and beef cattle; in uncooked eggs; and in milk.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (6-19-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 8, 1971.

FRED J. KINGMA,
*Acting Director,*
*Bureau of Veterinary Medicine.*

[FR Doc.71-8564 Filed 6-18-71;8:45 am]

### PART 148q—GENTAMICIN

Effective on publication in the FEDERAL REGISTER (6-19-71), Part 148q is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148q.1 Sterile gentamicin sulfate.
148q.1a Nonsterile gentamicin sulfate.
148q.2 Gentamicin sulfate ointment.
148q.3 Gentamicin sulfate cream.
148q.4 Gentamicin sulfate injection.
148q.5 Gentamicin sulfate ophthalmic solution.
148q.6 Gentamicin sulfate ophthalmic ointment.

AUTHORITY: The provisions of this Part 148q issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148q.1 Sterile gentamicin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile gentamicin sulfate is the sulfate salt of a kind of gentamicin or a mixture of two or more such salts. It is a powder, white to buff in color. It is readily soluble in water but insoluble in ethanol. It is so purified and dried that:

(i) Its potency is not less than 590 micrograms of gentamicin per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its loss on drying is not more than 18.0 percent.

(vi) Its pH in an aqueous solution containing 40 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(vii) Its specific rotation in an aqueous solution containing 10 milligrams per milliliter at 25° C. is not less than +107° and not more than +121°.

(viii) Its content of gentamicin $C_1$ is not less than 25 nor more than 50 percent; of gentamicin $C_{1a}$, not less than 15 nor more than 40 percent; and of gentamicin $C_2$, not less than 20 nor more than 50 percent.

(ix) It gives a positive identity test for gentamicin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with sufficient solution 3 to give a reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10.0 milligrams of gentamicin permilliliter.

(5) *Loss on drying.* Proceed as directed in § 141.501(c) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 40 milligrams of gentamicin per milliliter.

(7) *Specific rotation.* Accurately weigh the sample to be tested in a volumetric flask and dilute with sufficient distilled water to give a solution containing approximately 10 milligrams per milliliter. Proceed as directed in § 141.520 of this chapter, using a 1-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(8) *Content of gentamicins $C_1$, $C_{1a}$, and $C_2$*—(i) *Equipment*—(*a*) *Chamber (chromatographic).* Use a suitable chromatography jar with a tightly fitting, ground glass contact top for descending chromatography.

(*b*) *Sheets (chromatographic).* Cut a 57 x 46-centimeter sheet of Whatman No. 2 filter paper, or chromatographic paper that will produce similar results, into four strips of about 14.25 x 46 centimeters. Draw a starting line 9 centimeters from one end and mark two dots on this line, each 4 centimeters from each edge.

(ii) *Reagents.* Use reagent grade solvents and chemicals.

(iii) *Solvent system.* In each of two separators, equilibrate 200 milliliters of chloroform and 100 milliliters of methanol with 100 milliliters of 17 percent (9 molar) ammonium hydroxide. Without allowing the phases of one to separate, add the entire mixture to the chromatography jar and allow 24 hours for saturation. Allow the second separator to stand until the phases separate and use the lower phase only as the chromatographic solvent.

(iv) *Ninhydrin reagent.* To 1 gram of ninhydrin and 0.1 gram of cadmium acetate, add 3 milliliters of water and 1.5 milliliters of glacial acetic acid and shake. Add 100 milliliters of *n*-propanol and shake until solution is complete. Keep this solution in a brown bottle under refrigeration.

(v) *Procedure.* Prepare an aqueous solution containing 40 milligrams of the sample per milliliter. Apply 5 microliters of this solution to each dot on the sheet. Prepare two such sheets and place them in the tank so that elution will take place from separate troughs. Fill the two troughs with the chromatographic solvent. Develop the sheets in a descending manner until the solvent front reaches the bottom of the paper (approximately 3½ hours at 25° C.). Remove the sheets and dry in a hood for 30 minutes. Cut each sheet in half, lengthwise. Spray one half with ninhydrin reagent and place the sprayed strip in a drying oven at 100° C. for 1 minute. The gentamicin fractions appear as reddish zones. The zone furthest from the origin is gentamicin $C_1$, the one closest is gentamicin $C_{1a}$, and the middle zone is gentamicin $C_2$. Cut the corresponding zones out of the other unsprayed half of the sheet. Cut each portion of the sheet thus obtained into small strips and put those from each zone into a separate 125-milliliter glass-stoppered flask. Add 50 milliliters of 0.1*M* potassium phosphate buffer, pH 8, to each flask and swirl the flask mechanically for 30 minutes. Decant the solution from each flask into separate test tubes and allow the paper to settle. Pipe 4 milliliters of each clear solution into a 25-milliliter volumetric flack and make to volume with the pH 8 buffer. Assay these solutions as directed in subparagraph (1) of this paragraph.

$$\text{Total gentamicins} = \frac{\text{Assay of } C_1 \text{ fraction}}{0.786} + \frac{\text{Assay of } C_2 \text{ fraction}}{1.023} + \frac{\text{Assay of } C_{1a} \text{ fraction}}{0.977}$$

$$\text{Percent of gentamicin } C_1 = \frac{\text{Assay of } C_1 \text{ fraction}}{0.786} \times \frac{100}{\text{total gentamicins}}$$

$$\text{Percent of gentamicin } C_2 = \frac{\text{Assay of } C_2 \text{ fraction}}{1.023} \times \frac{100}{\text{total gentamicins}}$$

$$\text{Percent of gentamicin } C_{1a} = \frac{\text{Assay of } C_{1a} \text{ fraction}}{0.977} \times \frac{100}{\text{total gentamicins}}$$

Where:

The assays are expressed in terms of the microgram equivalents of gentamicin; and The factors 0.786, 1.023, and 0.977 represent the activities of gentamicins $C_1$, $C_2$, and $C_{1a}$ relative to the gentamicin activity of the gentamicin master standard.

(9) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 0.5 percent mixture of the sample in a potassium bromide disc prepared as described in paragraph (b)(2) of that section.

§ 148q.1a Nonsterile gentamicin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate is the sulfate salt of a kind of gentamicin or a mixture of two or more such salts. It is a powder, white to buff in color. It is readily soluble in water but insoluble in ethanol. It is so purified and dried that:

(i) Its potency is not less than 590 micrograms of gentamicin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 18.0 percent.

(iv) Its pH in an aqueous solution containing 40 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(v) Its specific rotation in an aqueous solution containing 10 milligrams per milliliter at 25° C. is not less than +107° and not more than +121°.

(vi) Its content of gentamicin $C_1$ is not less than 25 or more than 50 percent; of gentamicin $C_{1a}$, not less than 15 nor more than 40 percent; and of gentamicin $C_2$, not less than 20 nor more than 50 percent.

(vii) It gives a positive identity test for gentamicin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(ii) *Samples required.* 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(c) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 40 milligrams of gentamicin per milliliter.

(5) *Specific rotation.* Accurately weigh the sample to be tested in a volumetric flask and dilute with sufficient distilled water to give a solution containing approximately 10 milligrams per milliliter. Proceed as directed in § 141.520 of this chapter, using a 1.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(6) *Content of gentamicins $C_1$, $C_{1a}$, and $C_2$.* Proceed as directed in § 148q.1(b)(8).

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 0.5 percent mixture of the sample in a potassium bromide disc prepared as described in paragraph (b)(1) of that section.

### § 148q.2 Gentamicin sulfate ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ointment is gentamicin sulfate with suitable preservatives in a white petrolatum base. Each gram contains gentamicin sulfate equivalent to 1.0 milligram of gentamicin. Its potency is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of gentamicin that it is represented to contain. Its moisture content is not more than 1.0 percent. The gentamicin sulfate used conforms to the standards prescribed therefor by § 148q.1a(a)(1), except safety.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, it may be dispensed from a pressurized container wherein it is maintained in a compartment separate from the gas used to supply the pressure.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(*b*) The batch for gentamicin potency and moisture.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous, add 20–25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer and repeat any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

### § 148q.3 Gentamicin sulfate cream.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate cream is gentamicin sulfate with one or more suitable emollients, dispersants, and preservatives in a suitable and harmless cream base. Each gram contains gentamicin sulfate equivalent to 1.0 milligram of gentamicin. Its potency is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of gentamicin that it is represented to contain. The gentamicin sulfate used conforms to the standards prescribed therefor by § 148q.1a(a)(1), except safety.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, it may be dispensed from a pressurized container wherein it is maintained in a compartment separate from the gas used to supply the pressure.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, loss on drying, pH, specific rotation, gentamicins $C_1$, $C_{1a}$, and $C_2$, and identify.

(*b*) The batch for gentamicin potency,

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Transfer an accurately weighed representative portion of the cream into a high-speed glass blender. Add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration and blend 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

### § 148q.4 Gentamicin sulfate injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate injection is an aqueous solution of gentamicin sulfate and one or more suitable buffers, sequestering agents, and preservatives. Each milliliter contains gentamicin sulfate equivalent to 40 milligrams of gentamicin. Its potency is satisfactory if it contains not less than 90 percent nor more than 125 percent of the number of milligrams of gentamicin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. Its pH is not less than 3.0 nor more than 5.5. The gentamicin sulfate used conforms to the standards prescribed therefor by § 148q.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(*b*) The batch for gentamicin potency, sterility, safety, pyrogens, and pH.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Using 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), dilute an accurately measured representative portion of the product to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety test.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10.0 milliliters of gentamicin per milliliter.

(5) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted solution.

### § 148q.5 Gentamicin sulfate ophthalmic solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ophthalmic solution contains in each milliliter the equivalent of 3.0 milligrams of gentamicin and suitable buffers and preservatives. Its potency is satisfactory if it is not less than 90 and not more than 135 percent of the number of milligrams of gentamicin it is represented to contain. It is sterile. Its pH is not less

than 6.5 nor more than 7.5. The gentamicin sulfate conforms to the standards prescribed by § 148q.1a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the product with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted sample.

**§ 148q.6 Gentamicin sulfate ophthalmic ointment.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ointment contains in each gram the equivalent of 3.0 milligrams of gentamicin with suitable preservatives in a white petrolatum base. Its potency is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of gentamicin that it is represented to contain. Its moisture content is not more than 1.0 percent. It passes the test for particulate contamination. The gentamicin sulfate used conforms to the standards prescribed therefor by § 148q.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(*b*) The batch for gentamicin potency, moisture, and particulate contamination.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 15 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, except prepare the sample as follows: Place an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of solution 3. Repeat any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Particulate contamination.* Proceed as directed in § 141.508 of this chapter.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 1, 1971.

H. E. SIMMONS,
*Director, Bureau of Drugs.*

[FR Doc.71-8569 Filed 6-18-71;8:45 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[ 30 CFR Part 231 ]

### OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

### Notice of Extension of Time for Comments

In the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5510–5515), there were published proposed regulations governing operations conducted under mineral permits and leases on public and acquired lands of the United States and on Indian lands administered by the Department of the Interior. Public comment on the proposed regulations was invited within a period of 60 days from March 24, 1971.

Notice is hereby given that the period for submitting written comments, suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, Washington, D.C. 20242, is extended to July 22, 1971.

Dated: June 14, 1971.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

[FR Doc.71–8655 Filed 6–18–71;8:46 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Housing Administration

[ 24 CFR Part 241 ]

[Docket No. R–71–117]

### SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

### Eligibility Requirements; Secretary-Held Mortgages

Pursuant to sections 211 and 241 of the National Housing Act (the Act) (12 U.S.C. 1715b, 1715z–6) and the Secretary's delegation of authority (36 F.R. 5006), it is proposed to amend Part 241 of the regulations governing supplementary financing for FHA project mortgages. The proposal would implement section 111 of the Housing and Urban Development Act of 1970 (84 Stat. 1772), which amended section 241 of the Act to authorize the Secretary to insure supplemental loans for projects on which he holds the mortgage.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before July 19, 1971, addressed to the Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411. A copy of each communication will be available for public inspection during regular business hours in the HUD Information Center, Room 1202 at the above address.

The proposed amendments are set out in full below.

1. In § 241.1 paragraph (i) is amended, amended, and a new paragraph (j) is added, to read:

§ 241.1 Definitions.

* * * * * *

(i) "Borrower" means the owner of a project covered by an insured mortgage or a mortgage held by the Secretary, which owner receives and becomes primarily obligated for the payment of a supplementary loan.

(j) "Secretary" means the Secretary of Housing and Urban Development or his authorized representatives.

2. Section 241.70 is amended to read:

§ 241.70 Maximum loan amount.

(a) Where the project is covered by an insured mortgage, the principal amount of the loan shall not exceed the lesser of the following:

(1) Ninety percent of the Commissioner's estimate of the value of the improvements, additions, or equipment.

(2) An amount which, when added to any outstanding indebtedness relating to the property, does not exceed the maximum mortgage amount insurable under the section or title pursuant to which the mortgage covering such project or facility is insured.

(b) Where the project is covered by a mortgage held by the Secretary, the principal amount of the loan shall be in an amount acceptable to the Secretary.

3. In § 241.100 paragraph (a) (1) (ii) is amended to read:

§ 241.100 Prepayment privilege and charge.

(a) *Prepayment privilege.* (1) * * *

(ii) A provision requiring full prepayment of the loan in the event the insured mortgage or the mortgage held by the Secretary is paid in full prior to maturity, unless the borrower submits to such regulation or restriction as the Commissioner may require.

* * * * * *

4. In § 241.110 paragraph (b) is amended to read:

§ 241.110 Certificate of use for transient or hotel purposes.

* * * * * *

(b) * * *

(1) In connection with a housing for the elderly project covered by a mortgage insured under the provisions of §§ 231.1 et seq. of this chapter or by a mortgage held by the Secretary.

(2) In connection with a nursing home covered by a mortgage insured under the provisions of §§ 232.1 et seq. of this chapter or by a mortgage held by the Secretary.

(3) In connection with a group practice facility covered by a mortgage insured under the provisions of §§ 1100.1 et seq. of this chapter or by a mortgage held by the Secretary.

5. Section 241.125 is amended to read:

§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions to a multifamily project or group practice facility which is subject to a mortgage insured under any section or title of the Act or covered by a mortgage held by the Secretary. The proceeds of a loan involving a nursing home or a group practice facility may also be used to purchase equipment to be used in the operation of such nursing home or facility.

6. Section 241.145 is amended to read:

§ 241.145 Labor requirements.

All of the labor standards and prevailing wage requirements which were applicable to the insurance of the existing project mortgage, or pursuant to which the original project mortgage was insured, shall also be complied with in connection with the loan insured under this section.

Issued at Washington, D.C., June 21, 1971.

EUGENE A. GULLEDGE,
*Federal Housing Commissioner.*

[FR Doc.71–8660 Filed 6–18–71;8:47 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 71–CE–65]

### FEDERAL AIRWAY

### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 127 by extending it from Bradford, Ill., to Capital, Ill., via the Mora Intersection.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention:

Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would extend V-127 from the Bradford, Ill., VORTAC to the Capital, Ill., VORTAC via the Broadford 159° T (155° M) and the Capital 013° T (009° M) radials.

This proposed airway extension would resolve an IFR traffic congestion situation at Peoria, Ill. It will provide for segregation of en route traffic from arrival and departure traffic, and in some situations provide for straight-in approaches to the ILS front course.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 14, 1971.

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.71-8668 Filed 6-18-71;8:47 am]

---

## [ 14 CFR Part 73 ]

[Airspace Docket No. 71-WA-23]

## RESTRICTED AREA

### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area at Amchitka, Alaska.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would designate a restricted area extending from the surface to and including 18,000 feet MSL within the boundary of Amchitka Island including the airspace within 3 nautical miles from and parallel to the shoreline of Amchitka Island.

Coincident with the designation of the Amchitka restricted area, a warning area would be established within a 50 nautical mile radius of lat. 51°30'20" N., long. 179°02'30" E., extending from the surface to and including 18,000 feet MSL.

The proposed restricted area and warning area are needed to provide protected airspace for a nuclear test to be conducted during the fall of 1971 by the Atomic Energy Commission. The area would be established as a joint-use restricted area to be activated by NOTAM at least 24 hours in advance. It would be activated 7 days prior to the test date and deactivated not later than 15 days after the test.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 15, 1971.

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.71-8656 Filed 6-18-71;8:46 am]

---

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Parts 296, 297 ]

[Docket No. 23287; EDR-198A]

## CHARTERS BY AIR FREIGHT FORWARDERS

### Supplemental Advance Notice of Proposed Rule Making

JUNE 16, 1971.

The Board by advance notice of proposed rule making EDR-198 dated April 14, 1971, and published at 36 F.R. 7467, gave notice that it was considering issuing a notice of proposed rule making which would include amendment of Parts 296 and 297 of its economic regulations to limit the chartering of aircraft by air freight forwarders. Interested persons were invited to participate by the submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before June 21, 1971. Subsequent to the issuance of the advance notice, counsel for one air freight forwarder requested an extension of time for filing comments to July 2, 1971. He stated that such additional time is needed to assemble economic data and other facts for inclusion in the comments to be filed. Also, counsel for two other air freight forwarders requested a similar extension of 14 days for the reason that the issues raised in the proceeding are involved and complex and warrant the grant of such additional time for the preparation of comments.

The undersigned finds that good cause has been shown for additional time for filing comments to the extent hereinafter granted. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations,

the undersigned hereby extends the time for submitting comments to July 2, 1971.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CHARLES A. HASKINS,
*Acting Associate General Counsel, Rules and Rates.*

[FR Doc.71-8683 Filed 6-18-71;8:49 am]

# CIVIL SERVICE COMMISSION

## [5 CFR Parts 300, 772]

## EXAMINING, TESTING, STANDARDS AND EMPLOYMENT PRACTICES

### Notice of Proposed Rule Making

Notice is hereby given that under authority of sections 3301 and 3302 of title 5, United States Code, and E.O. 10577, 3 CFR 1954–58 Comp., p. 218, the Civil Service Commission proposes to issue regulations to insure that examining, testing, standards and employment practices, are not affected by discrimination on account of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit factors. These regulations will govern recruitment, measurement, ranking and selection of individuals for appointment and promotion in the competitive service, and in positions required to be filled in the same manner as positions in the competitive service.

Interested persons may submit written comments, objections and suggestions to the Bureau of Policies and Standards, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All writings received in response to this notice will be available for examination by the public. The proposed regulations are set out below:

## PART 300—EMPLOYMENT (GENERAL)

### Subpart A—Employment Practices

**§ 300.101 Purpose.**

The purpose of this subpart is to establish principles to govern, as nearly as is administratively feasible and practical, the employment practices of the Federal Government generally and of individual agencies, that affect the recruitment, measurement, ranking, and selection of individuals for initial appointment and competitive promotion in the competitive service or in positions required to be filled in the same manner that positions in the competitive service are filled. For the purpose of this subpart the term "employment practices" includes the development and use of examinations, qualification standards, tests, and other measurement instruments.

**§ 300.102 Policy.**

This subpart is directed to implementation of the policy that competitive employment practices:

(a) Be practical in character and as far as possible relate to matters that fairly test the relative capacity and fitness of candidates for the jobs to be filled;

(b) Result in selection from among the best qualified candidates;

(c) Be developed and used without discrimination because of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit grounds; and

(d) Insure to the candidate opportunity for appeal or administrative review, as appropriate.

**§ 300.103 Basic requirements.**

(a) *Job analysis.* Each employment practice shall be based on a job analysis to identify

(1) The basic duties and responsibilities;

(2) The knowledges, skills, and abilities required to perform the duties and responsibilities; and

(3) The factors that are important in evaluating candidates.

The job analysis may cover a single job or group of jobs, or an occupation or group of occupations, having common characteristics.

(b) *Relevance.* (1) There shall be a rational relationship between the job to be filled (or the target position, in the case of an entry position), and the employment practice used. This relationship shall be demonstrable under guidelines published by the Commission in the Federal Personnel Manual. A minimum educational requirement may not be established except as authorized under section 3308 of title 5, United States Code.

(2) In the case of an entry position the required relevance may be based upon the target position when—

(i) The entry level job is a training position or the first of a progressive series of established training and development jobs leading to a target position at a higher level; and

(ii) New employees, within a reasonable period of time and in the great majority of cases, progress to that higher level.

(c) *Equal employment opportunity.* An employment practice shall not discriminate on the basis of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit factor. This requirement is generally met when an employment practice is relevant.

**§ 300.104 Appeals, grievances, and complaints.**

(a) *Employment practices.* (1) A candidate who believes that an employment practice which was applied to him and which is administered or required by the Commission violates a basic requirement set forth in § 300.103 is entitled to appeal to the Commission.

(2) An appeal shall be in writing and shall set forth the basis for the appellant's belief that a violation occurred.

(3) An appeal shall be filed with the office of the Commission having initial jurisdiction over the appeal. This office shall be an office or appellate body which is separate from the office that has jurisdiction over the employment practice which is the subject of the appeal. The time limit for filing an appeal is 1 year from the date the employment practice was applied to the applicant.

(b) *Examination ratings.* A candidate may file an appeal with the Commission from his examination rating or the rejection of his application. The appeal shall be filed and processed in accordance with instructions in chapter 337 of the Federal Personnel Manual.

(c) *Grievances and complaints to the agency.* (1) A candidate may file a complaint with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency discriminates against him on the basis of race, color, religion, sex, or national origin. The complaint shall be filed and processed in accordance with Subpart B of Part 713 of this chapter.

(2) Except as provided in subparagraph (1) of this paragraph, an employee may file a grievance with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency violates a basic requirement set forth in § 300.103. The grievance shall be filed and processed under the agency grievance system, or a negotiated grievance system, established in accordance with Subpart C of Part 771 of this chapter.

## PART 772—APPEALS TO THE COMMISSION

### Subpart D—Commission's Appellate Review of Employment Services

**§ 772.401 Coverage.**

This subpart applies to appeals to the Commission under Subpart A of Part 300 of this chapter.

**§ 772.402 Action on initial appeal.**

(a) *Right to a hearing.* An appellant is entitled to a hearing before the office of the Commission having initial jurisdiction of the appeal. That office shall inform the appellant of his right to a hearing. If the appellant does not desire a hearing, he shall so advise that office in writing.

(b) *Hearing procedures.* The hearing shall be conducted and recorded under § 772.305(c).

(c) *Initial decision.* Except as provided in paragraph (d) of this section, the Office of the Commission having initial jurisdiction of the appeal, after making such investigation as it considers necessary and holding a hearing if the appellant so requests, shall issue a written decision and send copies thereof to the appellant and his representative. If the appeal is sustained, the decision shall inform the appellant of the corrective action taken by the Commission. If

the appeal is denied, the decision shall inform the appellant of his right to further appeal without a hearing, and of the time limit for filing a further appeal.

(d) *Rejection of appeal.* (1) Except as provided by subparagraph (2) of this section, an appeal shall be rejected when the particular test, examination, standard, or employment practice being appealed has been the subject of a previous appeal on which a hearing was held and in which the final administrative decision of the Commission denied the appeal.

(2) An appeal on a particular test, examination, standard, or employment practice which was the subject of a previous appeal, hearing, and final administrative decision to deny the appeal, may be accepted when the appellant offers new and material evidence which was not available, or could not be located after reasonably diligent efforts to find the evidence at the time of the previous appeal.

§ 772.403 Further appeal.

(a) *Right of further appeal.* (1) The appellant is entitled to appeal the initial decision issued under § 772.402(c) to the Commissioners, U.S. Civil Service Commission, Washington, D.C. 20415.

(2) The appellant is entitled to appeal the decision issued under § 772.402 (d) to the Commissioners.

(3) An appeal to the Commissioners shall be in writing, set forth the reasons for the appeal, and be filed with the Commissioners within 15 calendar days after receipt of the decision issued under § 772.402(c) or (d), whichever is applicable. The Commissioners may extend the time limit in this subparagraph upon a showing that circumstances beyond the control of the appellant prevented the filing of the appeal within the time limit.

(b) The Commissioners shall act on the appeal and issue a decision under the principles set forth in § 772.307 (b) and (c).

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.71-8721 Filed 6-18-71;8:50 am]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 73, 74 ]

[Dockets Nos. 18110, 18891; FCC 71-622]

## MULTIPLE OWNERSHIP OF BROADCAST STATIONS AND DIVERSIFICATION OF CONTROL OF CATV SYSTEMS

### Order Extending Time for Filing Reply Comments

In the matters of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations, Docket No. 18110; and amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rule making and/or legislative proposals, Docket No. 18891.

1. Reply comments in Docket No. 18110 and in so much of Docket No. 18891 as pertains to cross-ownership of CATV systems and local newspapers are presently due on June 18, 1971.

2. The American Newspaper Publishers Association (ANPA), on June 3, 1971, filed a motion to extend this filing date by a period of 2 months. As grounds for the motion, the ANPA states that its membership includes more than 90 percent of the total daily newspaper circulation in the United States and that ANPA and its members thus have a vital stake in the proposals in these proceedings; that extensive comments have been submitted by various parties; that a period of at least 1 month beyond the present due date of June 18, will be required for ANPA to prepare a reasoned and helpful analysis of and response to the opening comments; that ANPA has received numerous requests from counsel for newspapers and broadcasting stations which filed comments herein asking for an opportunity to coordinate in advance with ANPA for the purpose of eliminating as many individual reply comments as possible, thereby shortening and simplifying the record herein; and that considering normal problems caused by summer vacation plans of attorneys representing many parties to this proceeding, it is estimated that an additional month will be needed after completion of the ANPA reply comments to coordinate with the National Association of Broadcasters and other parties.

3. Statements in support of the ANPA motion were filed by the National Association of Broadcasters, and jointly by 10 other parties to the proceeding.

4. McClatchy Newspapers, on June 9, 1971, also filed a motion for extension of time in which to file reply comments. That pleading avers that coordination in advance of a single filing deadline, as requested by ANPA, may help to avoid repetitious reply comments but will not assure it; that the ANPA has demonstrated the need for a substantial extension of time and will probably use all of it; and that whatever new date may be granted in response to the ANPA motion, the Commission would be benefited by establishing a further deadline for parties other than ANPA.

5. We are of the view that ANPA has shown good cause in support of its motion. It appears that the coordination procedure which it suggests should be effective in shortening and simplifying the record herein, and that a period of 2 months is ample for carrying it out. Accordingly, the additional time requested by McClatchy Newspapers is not warranted.

6. In view of the foregoing: *It is ordered,* That the "Motion of McClatchy Newspapers for Extension of Time," filed June 9, 1971, is denied: *And it is further ordered,* That the "Motion to Extend Time for Submission of Reply Comments," filed by the American Newspaper Publishers Association on June 3, 1971, is granted, and that the date for filing reply comments in Docket No. 18110 and in that part of Docket No. 18891 that pertains to cross ownership of CATV systems and local newspapers is extended from June 18, 1971, to and including August 18, 1971.

Adopted: June 9, 1971.

Released: June 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

[FR Doc.71-8666 Filed 6-18-71;8:47 am]

# FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 71-571]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Land Acquisition and Development Loans

JUNE 10, 1971.

Resolved that the Federal Home Loan bank board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of revising the regulations governing loans by Federal savings and loan associations for land acquisition and development. Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said Part 545 by revising § 545.6-14 thereof to read as follows:

§ 545.6-14 Loans to finance acquisition and development of land.

(a) *General provisions.* Subject to the provisions of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in loans to finance the acquisition and development of land for primarily residential usage. An association shall not invest in a loan under this section unless it appears to the association that the purpose of the loan is to enable the borrower to undertake prompt development of land previously acquired or of land which will be acquired at the time the loan is made. The association shall fix the term of the loan, within the maximum term permitted by this section, on the basis of its determination as to a reasonable period of time necessary

[1] Commissioners Burch, Chairman; Robert E. Lee and Houser absent; Commissioner Johnson dissenting; Commissioner H. Rex Lee concurring in the result.

for the borrower to complete development and for disposition of the completed lots and improvements to be constructed thereon.

(b) *Basic limitations.* A Federal association may make loans under this section only when: (1) The aggregate amount of its general reserves, surplus, and undivided profits is equal to more than 5 percent of the amount of its withdrawal accounts; (2) the resulting aggregate amount of its investments in loans under this section would not exceed 5 percent of the amount of its withdrawable accounts; (3) the loans are loans on the security of first liens; and (4) the real estate security for each such loan is located within the association's regular lending area.

(c) *Limitations on specific loans.* No loan shall be made under this section in an amount equal to more than 75 percent of the value of the real estate security therefor as of the completion of the development thereof into building lots or sites ready for construction thereon. Each loan shall be repayable within a period of not more than 5 years and the interest thereon shall be payable at least semiannually. No disbursement of any of the proceeds of any loan made under this section shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to 75 percent of the value at such time of (1) that portion of the security property which is building lots or sites the development of which is in progress or completed and (2) the remaining security property.

(d) *Releases; loan extensions.* Upon the release from the lien of any portion of the security property, the principal balance of any such loan shall be reduced by an amount at least equal to 110 percent of that portion of the outstanding principal loan balance which is attributable to the value of the property to be released; "value" for such purpose is to be the value fixed at the time the loan was made or the loan amount was determined. An association may not extend a loan beyond the maximum 5-year term except with the prior approval of a Supervisory Agent of the Board, designated under § 501.11 of this chapter. A Supervisory Agent, at the request of the association, may approve an extension up to 1 year beyond the maximum 5-year term if he is of the opinion that economic conditions applicable to the project have prevented the disposition by the borrower of a sufficient number of completed lots or improvements thereon within the 5-year term to permit repayment of the loan.

(e) *Loans made prior to completion of planning.* If a loan is made under this section to a borrower who acquires the land before completion of plans for development thereof, a Federal association may leave for its later determination, based on appraisal after completion of such plans, the total amount of the loan. However, a Federal association shall not make such a loan unless the borrower has submitted a preliminary plan which, in the opinion of the association, is a feasible plan for development of the land for primarily residential usage. Where determination of the total amount of the loan is deferred under this paragraph, the loan agreement or other suitable instrument shall provide for acceleration of maturity of the loan to a fixed date (which shall be not more than 12 months after the date of the first disbursement of any of the proceeds of the loan) if by such fixed date the borrower has not furnished to the Federal association complete plans, satisfactory to the association, for development of the land.

(f) *Limitations on loans on a single project or to one borrower.* No association shall invest an amount in excess of 2 percent of its withdrawable accounts in loans on any one land development project or in any such loan or loans to one borrower, including the balance of all outstanding loans made under this section to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer is the borrower, or is a partner, stockholder, owner, participant, or officer of the borrower.

(g) *Definitions.* The term "development" as used in this section means the installations and improvements necessary to produce from the land building sites so completed, in keeping with the applicable governmental requirements and with general practice in the community, that they are ready for the construction of buildings thereon.

(h) *Relation to § 545.6–7.* Loans made under this section shall not be counted toward the 20-percent-of-assets limitation of § 545.6–7.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by July 19, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-8670 Filed 6-18-71;8:47 am]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 71-156]

### SWISS FRANC

### Rates of Exchange

JUNE 7, 1971.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Swiss franc between June 1 and June 4, 1971.

Treasury Decision 71-101 published as the rate of exchange for the Swiss franc for use during the calendar quarter beginning April 1 through June 30, 1971, $0.232800, as certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)).

For the dates listed below, the Federal Reserve Bank of New York certified rates for the Swiss franc which vary by 5 per centum or more from the rate $0.232800. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert Swiss currency into currency of the United States, conversion shall be at the daily rate certified by the Federal Reserve Bank of New York, as herewith published:

| Swiss franc: | |
|---|---|
| June 1, 1971 [1] | $0.232800 |
| June 2, 1971 [1] | .232800 |
| June 3, 1971 | .244512 |
| June 4, 1971 [1] | .232800 |

Rates of exchange certified for the Swiss franc which vary by 5 per centum or more from the rate of $0.232800 during the balance of the calendar quarter ending June 30, 1971, will be published in a Treasury Decision for dates subsequent to June 4, 1971, and before July 1, 1971.

[SEAL] EDWIN F. RAINS,
*Acting Commissioner of Customs.*

[FR Doc.71-8664 Filed 6-18-71;8:47 am]

[1] Rate did not vary by 5 per centum or more from the rate of exchange published in T.D. 71-101 for use during calendar quarter beginning Apr. 1, 1971.

---

### Office of the Secretary

[Dept. Circular Public Debt Series—No. 5-71]

### 6 PERCENT TREASURY NOTES OF SERIES F-1972

### Offering of Notes

JUNE 17, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.76 percent of their face value for $2,250,000,000, or thereabouts, of notes of the United States, designated 6 percent Treasury Notes of Series F-1972. Tenders will be received up to 1:30 p.m., e.d.s.t., Tuesday, June 22, 1971. The notes will be issued under competitive and noncompetitive bidding, as set forth in section III hereof.

II. *Description of notes.* 1. The notes will be dated June 29, 1971, and will bear interest from that date at the rate of 6 percent per annum, payable on a semiannual basis on November 15, 1971, and May 15 and November 15, 1972. They will mature November 15, 1972, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.d.s.t., Tuesday, June 22, 1971. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $200,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks, and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders, and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $200,000 or less without stated price from any one bidder will be accepted in full at the average price [1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Tuesday, June 22, 1971.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

[1] Average price may be at, or more or less than 100.00.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before June 29, 1971, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make settlement by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
*Secretary of the Treasury.*

[FR Doc.71-8724 Filed 6-18-71; 8:50 am]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Montana 18451]

## MONTANA

### Order Providing for Opening of Public Lands

JUNE 10, 1971.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 11 N., R. 38 E.,
Sec. 13, all.
T. 11 N., R. 39 E.,
Sec. 19, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20, E½.

The areas described aggregate 1,591.52 acres.

2. The lands are situated in the north portion of Rosebud County. The lands were acquired to further Federal programs of management. The lands have good potential for antelope and sage grouse habitat and when considered with adjoining public lands make an excellent public hunting area.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., July 15, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged and their status is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

ARTHUR R. GREGORY,
*Acting Chief,*
*Division of Technical Services.*

[FR Doc.71-8654 Filed 6-18-71;8:46 am]

[N-74, N-598, N-3849]

## NEVADA

### Notice of Termination of Scrip and Sale Land Classifications

JUNE 14, 1971.

1. F.R. Doc. 66-10862, which appeared at pages 13007 through 13010 in the issue dated October 6, 1966, and F.R. Doc. 66-12635, published in the issue dated November 23, 1966, proposed to classify (1) certain Federal lands in the State of Nevada for selection in satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims, and (2) certain lands for selection in satisfaction of valid Soldiers' Additional Homestead, Isaac Crow, Merritt Blair, and Forest Lieu Claims. To the extent that the lands described in the above documents were not subsequently classified for selection in satisfaction of valid Soldiers' Additional Homestead claims, the proposal to so classify the land is by this notice terminated.

2. F.R. Docs. 66-12634, 66-13598, and 67-1126, which were published respectively in the issues dated November 23, 1966, December 21, 1966, and February 1, 1967, classified certain federally owned lands in Nevada for disposal in satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims. The Act of August 31, 1964 (78 Stat. 751), provides that all claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535), which are not satisfied by methods provided by the act shall become null and void January 1, 1970, except for soldiers' additional homestead claims which shall become null and void on January 1, 1975. In pertinent part the governing regulation (43 CFR 2612.1) states: "* * * any classification, pursuant to section 3 of the Act of August 31, 1964 will terminate on December 31, 1969 * * *". Consistent with this regulation, the classifications effected by the FEDERAL REGISTER documents listed next above are by this notice revoked.

3. F.R. Doc. 70-3427, appearing at page 4974 in the issue for Saturday, March 21, 1970, classified the lands described below for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1421-1427):

MOUNT DIABLO MERIDIAN, NEVADA
WASHOE COUNTY

T. 19 N., R. 18 E.,
Sec. 10, N½, W½SW¼, N½SE¼.

DOUGLAS COUNTY

T. 14 N., R. 20 E.,
Sec. 7, lot 2 of SW¼ (W½SW¼).

The authority to classify and sell land under the cited statutes expired December 23, 1970, without the notice required by section 7 of the law (43 U.S.C. 1423) having been given. The classification for sale is no longer proper and is by this notice revoked.

ROLLA E. CHANDLER,
*Chief,*
*Division of Technical Services.*

[FR Doc.71-8671 Filed 6-18-71;8:48 am]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-110]

## ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION VIII (DENVER)

### Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90-284 (42 U.S.C. 3601-3619), except the authority to:

1. Issue a subpoena or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

2. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

3. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act (42 U.S.C. 3611(a)).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Apr. 30, 1970, 35 F.R. 6877, Apr. 30, 1970)

*Effective date.* This redelegation of authority shall be effective as of January 22, 1971.

ROBERT C. ROSENHEIM,
*Regional Administrator.*

[FR Doc.71-8659 Filed 6-18-71;8:46 am]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

[CGFR 71-57]

## SAN FRANCISCO BAY

### Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), section 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to Chief, Office of Operations, U.S. Coast Guard, as contained in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8279), I hereby affirm for publication in the FEDERAL REGISTER the order of Mark A. Whalen, Rear Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SAN FRANCISCO BAY

SECURITY ZONE

Under the present authority of section I of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 1200 Pacific daylight time on Wednesday June 16, 1971, until further notice, the following area is a security zone and I order it to be closed to any person or vessel.

The waters of San Francisco Bay within 100 yards of Alcatraz Island measured out from the low water mark of Alcatraz Island.

No person or vessel shall remain in or enter this security zone without the permission of the Captain of the Port.

The Captain of the Port, San Francisco, Calif., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel, and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws, and the person guilty of such failure, obstruction, or interference, shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: June 17, 1971.

D. H. LUZIUS,
*Captain, U.S. Coast Guard,*
*Acting Chief, Office of Operations.*

[FR Doc.71-8722 Filed 6-18-71;8:50 am]

# ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

## HIGHLIGHTS LISTING

### Notice of Exceptions

Under § 16.25(b) of Title 1 of the Code of Federal Regulations, the Director of the Federal Register is authorized to grant exceptions from the highlights listing requirement of that section. Section 16.25(b) exempts documents which make nonsubstantive changes that are corrective or editorial in nature. For additional exceptions granted by the Director, § 16.25(b) requires publication in the FEDERAL REGISTER of a list of the classes of documents exempted. This is the second such publication. For the convenience of the reader a cumulative list has been set forth below.

As previously stated (36 F.R. 7757), requests from Federal agencies for exceptions are evaluated by attempting to balance the advantage of listing a document or class of documents in the highlights listing against the disadvantages of having each daily highlights listing so long as to seriously diminish its usefulness. It appears that the public interest would be served best by excluding listings for documents which do not have broad public interest or at least do not affect a significant segment of the public. It thus appears that all documents involving the rights or obligations of one or more named individuals or companies should be excepted unless a particular document concerns issues of broad public interest. Similarly, it appears that the daily listing will be more meaningful if it excludes other documents of limited applicability such as those relating to internal agency organization.

After the highlights listing has been in existence for a reasonable period of time all of the exceptions will be reviewed and modifications will be made where warranted. In this connection public and official comments are invited. Such comments should be addressed to: Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408. A public docket is maintained containing all correspondence concerning exceptions from the highlights requirement. This docket is available for public inspection at the Office of the Federal Register, 633 Indiana Avenue NW., Washington, DC, Monday through Friday, 8:45 a.m. to 5:15 p.m.

The list below sets forth the classes of documents by agency that have been exempted under § 16.25(b) to date. If a class of documents for which an agency has requested and received an individual exception falls within one of the general categories, it has not been listed separately. One exception (71-105) announced in the previous listing has been deleted. Upon reconsideration, it has been determined that Federal Communications Commission documents pertaining to FM and television tables of assignments are of sufficient public interest to warrant preparation of a highlight item.

| Exemption No. | Agency | Class of documents |
|---|---|---|
| The exceptions listed below do not apply to any individual document that involves issues of broad public interest. | | |
| | GENERAL EXCEPTIONS | |
| 71-1 | All agencies | Documents that involve the rights or obligations of one or more named persons or companies. |
| 71-2 | do | Documents relating to internal organization, such as delegations of authority. |
| 71-3 | do | Documents relating to employee standards of conduct. |
| 71-4 | do | Documents relating to uniform systems of accounts. |
| 71-5 | do | Financial interest statements. |
| | SPECIFIC AGENCY EXCEPTIONS | |
| 71-100 | Civil Service Commission | The following notice documents:<br>Grants or revocations of authority to make noncareer executive assignment.<br>Manpower shortage listings.<br>Establishments or adjustments of minimum rates and rate ranges.<br>Removal of termination dates for special salary rates.<br>Establishment or revision of prescribed minimum educational requirements. |
| 71-101 | do | All Schedule A, B, and C amendments, additions or revocations in 5 CFR Part 213. |
| 71-102 | Small Business Administration | Notices of declaration of disaster loan areas. |
| 71-103 | Bureau of Land Management, Department of the Interior. | Documents which classify lands for disposal or special use, and Public Land Orders (43 CFR Ch. II App.). |

| Exemption No. | Agency | Class of documents |
|---|---|---|
| 71-104 | General Services Administration | Temporary interagency delegations of authority; Property management regulations (41 CFR Ch. 101-end). |
| 71-105 | Rescinded: | |
| 71-106 | Federal Aviation Administration, Department of Transportation. | Standard Instrument Approach Procedures (14 CFR Part 97); Minimum IFR altitudes (14 CFR Part 95). Airspace dockets (enroute and terminal) (14 CFR Parts 71, 73, 75). |
| 71-107 | Consumer and Marketing Service, Department of Agriculture. | Regulations governing the handling of certain fruits, vegetables and nuts in designated areas (7 CFR Ch. IX). Milk marketing agreements and orders in designated areas (7 CFR Ch. X). |
| 71-108 | Agricultural Research Service, Department of Agriculture. | Animal quarantines for limited geographic areas (9 CFR Ch. I). |
| 71-109 | Interstate Commerce Commission | Car service regulations (49 CFR Part 1033). |
| 71-110 | Fish and Wildlife Service Department of the Interior. | Special regulations respecting wildlife refuges and wildlife research areas (50 CFR 28.28, 32.11, 32.12, 32.21, 32.22, 32.31, 32.32, 33.4, 33.5, 60.11). |
| 71-111 | Securities and Exchange Commission | Interpretative releases and rules relating to forms (17 CFR Ch. II). |
| 71-112 | Bureau of Indian Affairs, Department of the Interior. | Documents pertaining to specified reservations and irrigation projects (25 CFR Ch. I). |
| 71-113 | National Park Service, Department of the Interior. | Documents concerning named parks (including special regulations in 36 CFR Part 7). |

Dated: June 16, 1971.

FRED J. EMERY,
*Director of the Federal Register.*

[FR Doc.71-8729 Filed 6-18-71;8:50 am]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-368]

## ARKANSAS POWER & LIGHT CO.

### Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Arkansas Power & Light Co., Ninth and Louisiana Streets, Post Office Box 551, Little Rock, AR 72203, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated September 17, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as Arkansas Nuclear One, Unit 2, adjacent to Arkansas Nuclear One, Unit 1, on a peninsula in the Dardanelle Reservoir on the Arkansas River in Pope County, Ark. The site is located about 2 miles southeast of the village of London, Ark.

The proposed reactor will be designed for operation at approximately 2,760 megawatts (thermal) with an electrical output of approximately 950 megawatts (electrical).

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after June 19, 1971.

A copy of the application is available for public inspection at the Commission's Public document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Arkansas River Valley Regional Library, Dardanelle, Ark. 72834, Mrs. Robert Keathly, Librarian.

Dated at Bethesda, Md., this 7th day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
*Director,*
*Division of Reactor Licensing.*

[FR Doc.71-8285 Filed 6-18-71;8:45 am]

[Docket No. 50-389]

## FLORIDA POWER AND LIGHT CO.

### Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

The Florida Power and Light Co., 4200 Flagler Place, Post Office Box 3100, Miami, FL 33101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, dated April 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor, designated as the Hutchinson Island Nuclear Power Plant, Unit No. 2, on Hutchinson Island in St. Lucie County, Fla. The 1,132-acre site is located about 10 miles from Fort Pierce and 10 miles from Stuart on the east coast of Florida.

The proposed facility is designed for initial operation at approximately 2,440 thermal megawatts with a net electrical output of approximately 890 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after June 12, 1971.

A copy of the application is available for public inspection at the Commission Public Document Room, 1717 H Street NW., Washington, DC, and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, FL 33450.

Dated at Bethesda, Md., this 1st day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
*Director,*
*Division of Reactor Licensing.*

[FR Doc.71-7833 Filed 6-11-71;8:45 am]

# CIVIL AERONAUTICS BOARD

[Docket No. 23509; Order 71-6-86]

## AIRBORNE FREIGHT CORP.

### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1971.

By tariff revisions[1] filed May 20, marked to become effective June 20, 1971, Airborne Freight Corp. (Airborne), an air freight forwarder, proposes revisions in its specific commodity rates applicable from Los Angeles and San Francisco to Chicago, New York, and Newark. These filings would (1) reduce, at most or all weight breaks, all of its numerous specific commodity rates, and (2) add, in one or more of the above markets, specific commodity rates on (a) fresh fruits and berries, and (b) machines and machine parts; hand tools; surface vehicles and parts thereof; aerospace vehicle parts and aircraft parts.

For several commodities, reductions are proposed at all weight breaks, from 100 to 10,000 pounds. For most commodities, however, no change is proposed for shipments of 100-199 pounds, but a 200-pound weight break would be introduced involving decreases for shipments of 200-999 pounds, as well as reductions at higher weights.

Complaints requesting investigation and suspension of the proposal, as contained in previously rejected tariff pages, have been filed by American Airlines, Inc. (American), The Flying Tiger Line Inc. (Tiger), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United). The complaints variously assert, inter alia, that the proposed rates would result in significant diversion from scheduled air transportation and would seriously jeopardize the existence of such transportation, now operating unprofitably.

In its tariff justification and answer to the complaints,[2] Airborne asserts, among other things, that its proposals are based upon the use of chartered aircraft which will permit significant economies, both in terminal and line-haul costs and through higher load factors, and that the lower rates are needed to expand the use of air freight.

Upon consideration of all relevant factors, the Board finds that Airborne's proposed reductions may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that

[1] Revisions to Airborne Freight Corporation's Tariff CAB No. 9 (Pacific Air Freight, Inc., Series).

[2] The complaints (except United's), as well as the answer, were also directed to the specific commodity reductions proposed in the Chicago-New York/Newark market which were suspended by Order 71-6-6, dated June 1, 1971. United's complaint was not considered in that order but is now being dismissed, except to the extent granted herein.

the rates should be suspended pending investigation.

The proposed rates would effect reductions of up to 66 percent below its currently effective rates from Los Angeles and San Francisco to Chicago, New York, and Newark. The reductions would undercut similar specific commodity rates of the direct carriers as much as 49 percent.[3] The proposals may have a serious impact on these carriers through traffic diversion to chartered aircraft or from the necessity of reducing their rates significantly.

Airborne, however, does not present factual data indicating the volume of traffic that it hopes to obtain by its proposal, nor does it make any factual showing that its proposed rates would be economic.

In view of the above circumstances, the Board will not permit the sharp reductions proposed in prime markets to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

*It is ordered,* That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in Appendix A hereto,[4] and rules, regulations, or practices affecting such rates, charges, and provisions are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto [4] are suspended and their use deferred to and including September 17, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 23509, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complaint of United Air Lines, Inc., in Docket 23309, is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariff and served upon Airborne Freight Corp., American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to Docket 23509.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-8685 Filed 6-18-71;8:49 am]

[3] There is some variation among the rates in effect for the several direct carriers, Airlift International, Inc., American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. With a few exceptions, Airborne's reduced rates would be below all of the direct carriers' rates at all weight breaks. For a number of commodities at selected weight breaks, however, the forwarder's rates would be equal to or above those in effect for one or more carriers.

[4] Appendix A filed as part of the original document.

[Docket No. 22628; Order 71-6-73]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Fare Matters

Issued under delegated authority June 14, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 and Joint Conference 3-1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement specifies first-class and economy fares between Jogjakarta and Surabaja on the one hand and points in Southeast Asia including Okinawa on the other hand. Further, the agreement common-rates Jogjakarta and Surabaja with Djakarta as regards air fares to and from the United States.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Agreement CAB 22474, 300(Mail 356)053, 300(Mail 356)063, JT31(Mail 200)056, and JT31(Mail 200)066, is adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered,* That:

Action on Agreement CAB 22474 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-8684 Filed 6-18-71;8:49 am]

[5] Partial dissenting statement of Member Minetti filed as part of the original document.

# ENVIRONMENTAL PROTECTION AGENCY

## MOTOR VEHICLE POLLUTION CONTROL

### Notice of Additional Public Hearing

On April 30, 1971, the Administrator, Environmental Protection Agency, by notice published in the FEDERAL REGISTER (36 F.R. 8172) denied waiver of the application of section 209(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-6a(a), 81 Stat. 501, Public Law 90-148 as amended by Public Law 91-604) to the State of California, with respect to the following standards:

(1) Section 2110, Title 13, California Administrative Code (as amended February 17, 1971) insofar as applicable to 1973 and subsequent model year motor vehicles.

(2) Part I, Division 26, Health and Safety Code, West Annotated California Codes, as amended by Chapter 1585, California Laws 1970, Assembly Bill No. 1174 approved September 20, 1970, to the extent that Bill No. 1174 prohibits sale and registration of motor vehicles manufactured during the 1972 model year and requires the use of 91 research octane number fuel in testing such vehicles.

Subsequent to the determination of the Administrator, the State of California, by letter dated May 25, 1971, requested that the decision of the Administrator, insofar as it denied the waiver, in such respects, be reconsidered. As part of the request, the State of California indicates that it wishes to present additional information which it believes is relevant to this matter.

On the basis of this request, the Administrator has determined that in order to insure that all pertinent data have been made available for consideration, the State of California and other interested persons should be given a further opportunity to present such data. Accordingly, notice is hereby given that the public hearing held in Los Angeles, Calif., on January 26 and January 27, 1971, pursuant to notice published in the FEDERAL REGISTER (35 F.R. 19598, Dec. 24, 1970) will be reconvened at 10 a.m., P.d.t. on July 13, 1971, at the Customs Courtroom, 300 North Los Angeles Street. The issues to be considered and the procedures to be followed are those set forth in the December 24, 1970, notice of public hearing, except that presentations by the participants should be addressed to the two standards set forth in this notice.

Mr. William H. Megonnell of the Environmental Protection Agency is hereby designated as Presiding Officer to conduct the hearing.

Dated: June 15, 1971.

WILLIAM D. RUCKELSHAUS, *Administrator, Environmental Protection Agency.*

[FR Doc.71-8662 Filed 6-18-71;8:47 am]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19260; FCC 71-623]

## FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

### Notice of Inquiry Regarding Handling of Public Issues

I. *Introduction.* 1. The purpose of this notice is to institute a broad-ranging inquiry into the efficacy of the fairness doctrine and other Commission public interest policies, in the light of current demands for access to the broadcast media to consider issues of public concern. It is important to stress that we are not hereby disparaging any of the ad hoc rulings that we have made in these areas. Rather, we feel the time has come for an overview to determine whether the policies derived largely from these rulings should be retained intact or, in lesser or greater degree, modified. We have divided the inquiry into four parts: (i) The fairness doctrine generally; (ii) access to broadcast media as a result of the presentation of product commercials; (iii) access generally for discussion of public issues; and (iv) application of the fairness doctrine to political broadcasts. Obviously, these parts overlap. Indeed, each is an aspect of the underlying problem of access. Interested parties may address any or all these aspects, or they may structure their comments in accordance with their own definition of the problem.

2. Several issues to which we direct particular attention have been the subject of recent Commission decisions in which both the legal and policy considerations have been treated in depth. We will not here repeat the extensive majority and minority opinions. Rather, we refer interested parties to the cited cases where they will find full treatment of the pertinent policy matters here under review.

3. We stress that we are interested in fundamental policy—not in a rehash of legal considerations nor in recommendations of statutory revision. Thus, this Commission cannot abandon the fairness doctrine or treat broadcasters as common carriers who must accept all material offered by any and all comers. The Communications Act is explicit in these respects (see section 315(a) and section 3(h)) and we take the Act as a "given" from which this inquiry necessarily proceeds. Furthermore, there are court appeals pending on several disputed legal issues and such decisions will, of course, be appropriately taken into account in the course of this proceeding.

4. This notice thus deals with Commission-made policy—derived from the Act and from the standards set down therein. But, in view of the broad nature of these standards, there can and must be considerable leeway in both policy formulation and application in specific cases. The goal is clear: to foster "uninhibited, robust, wide-open" debate on public issues (New York Times Co. v. Sullivan, 376 U.S. 254, 270). That is the profound, unquestioned national commitment embodied in the First Amendment. The basic issue we pose here is whether Commission-made policies indeed promote that goal to the maximum extent. Or, are there revisions or even entirely new policies that would serve it more effectively?

5. Finally, by way of introduction, we note that promotion of the goal cited above must be consistent with the "public interest in the larger and more effective use of radio" (section 303(g)). It is most important to note in this connection that, to a major extent, ours is a commercially based broadcast system and that this system renders a vital service to the Nation. Any policies adopted by this Commission in the areas covered in the present inquiry should be consistent with the maintenance and growth of that system and should, among other appropriate standards, be so measured. We urge all interested parties to keep this pragmatic standard centrally in mind in forwarding specific comments and proposals. Proposals that in the short run might afford great insight into public issues but in the long run might tend to undermine the existing broadcast system—e.g., nothing but informational programing in a debate format—would not, in this view, serve the public interest.

II. *The fairness doctrine generally.* 6. The fairness doctrine has evolved over some 40 years as the guiding principle in assuring to the public an opportunity to hear contrasting views on controversial issues of public importance. Enunciated as early as 1929 by the Federal Radio Commission,[1] the fairness doctrine was most fully fleshed out in the Report on Editorializing by Broadcast Licensees, 13 FCC 1246 (1949), and has been sustained by the Supreme Court as within the Commission's statutory authority (section 315(a)) and in full accord with the First Amendment. Red Lion Broadcasting Co., Inc. v. F.C.C. 395 U.S. 367 (1969).

7. The fairness doctrine is grounded in the recognition that the airways are inherently not available to all who would use them. It requires that those given the privilege of access hold their licenses and use their facilities as trustees for the public at large, with a duty to present discussion of public issues and to do so fairly by affording reasonable opportunity for the presentation of conflicting views by appropriate spokesmen. The individual licensee has the discretion, and indeed the responsibility, to determine what issues should be covered, how much time should be allocated, which spokesmen should appear, and in what format. Only in the case of personal attacks or an editorial taking sides among competing candidates is there a specific requirement as to the person to whom the station must make time available. And even this exception rests not upon an individual's right to be heard but, rather, upon the proposition that the public's right to be informed will be best served if the person attacked or the candidate opposed presents the contrasting viewpoint. The guiding premise, as the Supreme Court put it, is not "an unabridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish" but rather "the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences * * *." Red Lion Broadcasting Co., supra, at p. 390. Indeed, it is this right that goes far to explain the amount of spectrum space devoted to broadcasting.

8. With the exception of the personal attack and political editorializing rules, it has not been found necessary to formulate detailed and definitive guidelines for licensees applying the fairness doctrine in their day-to-day operations. Rather, the doctrine has been refined case-by-case in particular and concrete situations. See Applicability of the Fairness Doctrine to Broadcast Licensees (Fairness Primer), 29 F.R. 10415 (1964).[2] We by no means denigrate this manner of proceeding. It has in its broad effect served the Nation well, and Commission rulings have been realistically and thus, we believe, soundly based. But, at the same time, it does seem to us desirable to take the longer view that an overall inquiry affords—thus permitting all interested parties to be heard and not just those involved in specific complaints. It has been about 22 years since we issued our 1949 Report on Editorializing, supra, and we think it is time for another overview. If our policies are sound, they should have stood the test of time and application. If they are not sound—if they unreasonably restrict the journalistic functions of broadcasters or permit broadcasters unreasonably to restrict access—then corrective action is called for. Indeed, in the personal attack and political editorializing fields, we pledged that we would act promptly if we were shown that in actual operation our policies did not promote the fundamental purposes of the First Amendment. 22 F.R. 11531, 11532; 33 F.R. 5363, 5364. This also is the thrust of the Supreme Court's opinion in Red Lion (395 U.S. at pp. 392-93).

9. This part of the inquiry thus gives broadcasters and all other interested parties the opportunity to advance their ideas, concerning the fairness doctrine generally, for improving, refining, or even drastically revising Commission policies. They may direct their attention to any aspect of the policies set out in the Fairness Primer or in more recent cases. We cite the following as just a few examples of important issues in this area:

[1] See Great Lakes Broadcasting Co., 3 F.R.C. Annual Rep. 32 (1929), reversed on other grounds 37 F. 2d 993 (C.A.D.C.), certiorari dismissed, 281 U.S. 706.

[2] We have outstanding one notice of proposed rulemaking in the fairness area. See Docket No. 18859. That notice deals with a specific proposal, however, and not the broad overview here contemplated.

(i) How have the personal attack and political editorializing rules worked in actual practice? Should they be revised in any way to achieve their stated goals?

(ii) Has the fairness doctrine in fact promoted the "more effective use of radio" in the discussion of controversial public issues, or has it served to inhibit wide-open debate? (In this connection, we also direct attention to our processing policies—see Fairness Primer, 29 F.R. at p. 10416; Letter to Hon. Oren Harris, FCC 63-851; and Letter to Mr. Allen Phelps, 21 FCC 2d 12 (1969)).

(iii) Should the Cullman rule, 40 FCC 576 (1963), which lays down the principle that the right of the public to hear contrasting views on significant public issues is so important that licensees must make time available without charge if necessary—be expanded or restricted, or otherwise refined?

10. We repeat—These are examples only. All interested parties are invited to frame their own questions in addressing the strengths and shortcomings of the fairness doctrine generally.

III. *Access to the broadcast media as a result of carriage of product commercials.* 11. This aspect of the inquiry is prompted by a recent court decision and several complaints in which very broad-ranging policy questions appeared to be raised—questions that reach beyond the concrete situations involved. Thus, we deal first with the policy questions raised in the opinion of the Court of Appeals for the District of Columbia Circuit in Retail Store Employees Union v. F.C.C., Case No. 22, 605, decided October 27, 1970. We refer specifically to the issues raised in Part III of the opinion.[3] The factual setting is simply stated: A department store (Hill's) had access to a station's facilities (WREO) to present frequent advertisements of the standard commercial nature ("* * * extolling the virtues of Hill's stocks, bargains, and services and on that basis urging listeners to patronize the various Hill's outlets"—pp. 2-3, Sl. Op.). The employee union at the store decided on a strike and boycott to gain its bargaining objectives. It sought to support the boycott by purchasing time for 1-minute announcements stating that there was a strike at Hill's and urging listeners to respect the picket lines. These bare facts are sufficient to pose the basic issue: Namely, does the union have a right to purchase time for its spots in these circumstances?

12. In view of its holding on another matter not relevant here, the Court did not resolve the above issue. But it did indicate that the issue "* * * deserves fuller analysis than the Commission has seen fit to give it" (part A, p. 20, Sl. Op.). The court then noted (part B, p. 20, Sl. Op.):

> We also note that the Amalgamated Meat Cutters case, 25 FCC 2d 279 (1970), raises the same basic issue, and for that reason we requested its remand from the court. The parties to the two above proceedings should accordingly address themselves in this proceeding to the questions raised by the court in Retail Store.

Central to the Union's argument on this point is the proposition that, in urging listeners to patronize Hill's Ashtabula Department Store, Hill's advertisements presented one side of a controversial issue of public importance. Hill's copy, of course, made no mention of the strike or boycott, or of the unresolved issues between the Union and the store. But the advertisements did urge the listening public to take one of the two competing sides on the boycott question—they urged the public to patronize the store, i.e., not to boycott. It seems to us an inadequate answer to this argument merely to point out that Hill's copy made no specific mention of the boycott. In dealing with cigarette advertising, the Commission has recognized that a position represented by an advertisement may be implicit rather than explicit * * *.

The court noted a further analogy to the Cigarette Advertising ruling—that here also there is an established Congressional policy involved. In this instance, the policy is even-handedness in labor-management relations in which both Union publicity and Hill's commercials might be viewed as weapons of "economic warfare." In the court's words (part C, pp. 21-22):

> If viewed in this light, it could well be argued that the traditional purposes of the fairness doctrine are not substantially served by presentation of advertisements intended less to inform than to serve merely as a weapon in a labor-management dispute. But the fairness doctrine, as we have pointed out, is only one aspect of the FCC's implementation of the statutory requirement that broadcast stations operate to serve the public interest. [Footnote omitted.] The public policy of the United States has been declared by Congress as favoring the equalization of economic bargaining power between workers and their employers. [Footnote omitted.] It is at the very least a fair question whether a radio station properly serves the public interest by making available to an employer broadcast time for the purpose of urging the public to patronize his store, while denying the employees any remotely comparable opportunity to urge the public to join their side of the strife and boycott the employer. If the Union's claim is to be rejected, we believe this question should be dealt with by the Commission.

13. The court noted that it had not attempted a full canvass of all the issues involved but had merely indicated some of the principal questions to be answered. In the circumstances, we believe that an overall inquiry is the best way to proceed, thus allowing for maximum participation and maximum opportunity for sound policy formulation. The issue has been posed here in terms of Retail Store but, clearly, it has wider ramifications. The issue really is the right of access, if any, to the broadcast media to respond to product commercials.

14. Two of the court's basic considerations—that product commercials can carry implicit messages and that pertinent national policies should be taken into account—have very wide applications indeed. For example, we might consider the national policy of avoiding environmental pollution (see National Environmental Policy Act of 1969, 83 Stat. 852, section 101(a)). As we indicated in our Letter to Mr. Soucie, 24 FCC 2d 743 (1970), appeal pending sub nom. Friends of the Earth v. F.C.C., Case No. 24556, C.A.D.C., a great number of products commonly advertised over the broadcast media have pollution consequences: cars because of their gasoline engines; gasoline itself; airplanes; detergents; and, indeed, every product that is normally packaged in a non-biodegradable container. Commercials urging use of these products or services thus can be argued to raise implicit ecological questions. Other product commercials, similarly, could be argued to raise significant national policy questions: Commercials promoting the use of aspirin, tranquillizers, soporifics, etc., on the ground that they indirectly promote overuse of drugs generally and thus might lead to harmful, illegal drug use; commercials depicting women in a manner charged to be offensive to the national policy of equal rights and equal treatment of the sexes; etc.[4] It is not necessary to list more examples. The contention is that, almost without exception, product commercials can be argued to raise some significant, controversial issue—and as public awareness grows, so, too, does the occasion for making such arguments. On the other hand, the Court notes in Retail Store (Sl. Op., pp. 21-22, n. 67) that the "* * * Commission repeatedly emphasized that its holding in [Cigarette Advertising]—that stations broadcasting cigarette advertisements must regularly provide free time if necessary for the presentation of arguments opposing cigarette smoking—was limited to cigarette advertising * * *." The court further stated that this holding was based on the ground that "the implicit and explicit messages normally carried by advertising do not concern controversial issues of public importance." (Sl. Op., p. 21). In this connection, we also note that the Court in Banzhaf v. F.C.C., 405 F. 2d 1082 (C.A.D.C., 1968), certiorari denied, 396 U.S. 842 (1969), pointed out that cigarettes were "* * * in fact the product singled out for special treatment which justifies the action taken" and emphasized that "* * * (its) cautious approval

[3] The court noted that unlike the issue in Part II of the opinion, the issues in Part III do not call into question the renewal of license of the station involved and, therefore, the Commission might wish to separate those issues from the license renewal proceedings (n. 50, Sl. Op.). We think that such separation is clearly appropriate and accordingly have done so. See Order released Apr. 26, 1971 in Radio Enterprises of Ohio, Inc., FCC 71-401.

[4] There is also the issue raised by armed forces recruiting announcements, both commercial and of a public service nature. See, e.g., the policy issues considered in such recent rulings as Letter to Mr. Albert A. Kramer, FCC 70-596, and Letter to Mr. Donald A. Jellinek, FCC 70-595.

of this particular decision does not license the Commission to scan the airwaves for offensive material with no more discriminating a lens than the public interest or even the public health."

15. Free time: On the important issue of extending the Cigarette Advertising ruling to cover all product commercials,[5] we set out our position in Letter to Mr. Soucie, supra, and in Complaint of Alan F. Neckritz and Lawrence B. Ordower, FCC 71-526, released May 13, 1971. We specified in those rulings and will not here repeat our reasons for believing (i) that most product commercials are distinguishable from cigarette advertising and (ii) that, in any event, it would not serve the public interest to hold that for nearly every product commercial the licensee must make free time available—on a virtually daily basis, in a set ratio, in part during prime viewing hours—for countercommercials informing the public why they should not purchase the product or services in question. In Neckritz, the Commission majority indicated its view that the advertisements for Chevron advanced a claim for product efficacy, that this is not the same as arguing a position on a controversial issue of public importance, and that it "would ill suit the purposes of the fairness doctrine, designed to illumine significant controversial issues, to apply it to claims of a product's efficacy or social utility. We indicated in Neckritz the desirability of an overview of the policy issues involved, and we here invite interested parties to address such issues as the following:

(i) Ought there be some public interest responsibility beyond that of fairness to carry material opposing or arguing the substance of product commercials? If so, should time be afforded free or only on a paid basis?

(ii) What account should be taken of the Court's observation (in Retail Store) that spot announcements may not add substantially to public knowledge and, on the other hand, that repetition is a significant factor to be considered?

(iii) What should or must be the licensee's area of discretion in this entire matter—and is there some workable standard for distinguishing various categories or commercials, some of which would give rise to fairness or public interest duties and some of which would not?

(iv) Finally, what would be the predictable effect of any new policy adopted here in the carriage of product advertisements and thus on the continued growth and health of the commercial broadcasting system?

16. Paid time: This brings us to the heart of the inquiry posed by the Retail Store decision—namely, the right of paid access to inform the public why a product or service advertised over the station's facilities should not be purchased. The court in Retail Store posed the issue in terms of a national policy for equalizing economic bargaining power between workers and employers, and we have noted that other national policies might be pertinent in other circumstances. The broad issue posed is whether fairness and/or the public interest standard[6] imposes a kind of "equal opportunities" obligation on the broadcaster—that is, if he sells time for the promotion of products and services, must he also sell time to others, to consumer and public interest groups for example, who wish to argue against public use of these products or services? We call for comment, pro and con, on the policy implications and the pragmatic effects of this equation.

17. Alleged false and misleading advertising: We direct the attention of interested parties to Commission policy in the area of advertising that is alleged to be false and misleading—as, for example, in the recent Chevron case, Complaint of Alan F. Neckritz and Lawrence B. Ordower, FCC 71-526, released May 13, 1971. The Commission majority held that the Letter to Mr. Soucie was applicable and that to prohibit such advertising in advance of a pending Federal Trade Commission ruling would be a case of "sentence first, verdict later." It also stated that the issues raised were of such broad-ranging importance as to warrant an overall inquiry; and the present proceeding is in part responsive to that finding. We thus specifically raise the question whether the public interest calls for any revision or refinements in existing Commission policy with respect to false and misleading advertising, or allegations thereof, and whether we might lay down new policy guidelines for the benefit of broadcasters and the public alike.

18. The foregoing by no means exhausts the possible issues that are involved in the area of product commercials. We have simply raised those that appear to us to be of the greatest current importance. We stress again that we hope to evolve or reaffirm policies that are fair to all concerned, that promote the commercial broadcasting system, and above all that serve "the public interest in the larger and more effective use" of the broadcast media.

IV. *Access generally to the broadcast media for the discussion of public issues.* 19. It has also been urged that, quite aside from the fairness obligation of broadcasters, there is a right of access—at least on a paid basis—for all those wishing to express a viewpoint on a controversial public issue. The Commission has rejected this blanket claim on the ground that there is neither constitutional nor statutory right for any individual or group to present their views, and that as a matter of policy it would not serve the public interest to act as if there were. See, e.g., the Democratic National Committee ruling, 25 FCC 2d 216 (1970), appeal pending, Democratic National Committee v. F.C.C., Case No. 24,537, C.A.D.C.; Business Executives' Move for Vietnam Peace v. F.C.C., Case No. 24,942, C.A.D.C. The legal issues are thus before the Court, and the policy issues are sharply pointed up in the majority and minority opinions of the Commission. We request comment on the question whether there is any feasible method of providing access for discussion of public issues outside the requirements of the fairness doctrine. More specifically, we ask that comment be addressed to the differing problems raised by paid and free time; the specific standards that should be followed for determining the basis on which time is to be provided, if such a course is recommended; the effect of any such new procedure on the licensee's general responsibility to the public; and the impact of such procedure on the licensee's duties under the fairness doctrine. The essential purpose of this part of the inquiry is to ascertain, if possible, the general patterns of licensee practice as to access on a paid or sustaining basis (e.g., for discussion of controversial issues generally or of ballot issues; for fund solicitation generally or for parties or committees organized around ballot issues), and whether it would be appropriate for this Commission to lay down criteria or guidelines for these purposes. If so, what would they be? Or, are the problems in this area so varied that decisions should be left to the judgment of thousands of licensees and, in cases of complaint, to the adjudicatory process? In other words: Should we reaffirm present Commission policy and practice?

V. *Application of the fairness doctrine to political broadcasts.* 20. The Fairness Primer contains a number of rulings concerning the application of the doctrine to political broadcasts. There have been a number of important recent rulings in this area. As examples, we point to such rulings as the Letter to Mr. Nicholas Zapple, 23 FCC 2d 708 (1970); the Republican National Committee ruling, 25 FCC 2d 283, 299-301, 739 (1970), appeal pending, CBS v. F.C.C., Case No. 24,655, C.A.D.C.; Complaint of Committee for the Fair Broadcasting of Controversial Issues, 25 FCC 2d 283, 294-298 (1970). The first two set forth a quasi-equal opportunities approach—namely, that if a licensee sells or gives time to one political party, it should sell or give comparable time to the rival party, but that the Cullman principle is inapplicable here. The last cited case declined to extend the equal opportunities concept to such appearances by public officials as

[5] In Letter to Mr. Soucie and the Neckritz ruling, we pointed out that there can be product commercials that do deal directly with controversial issues of public importance. In such cases of course the fairness doctrine, including the Cullman principle, is clearly applicable.

[6] In Retail Store, the Court noted that the purposes of the fairness doctrine might not be advanced by presentation of the boycott advertisements but nevertheless raised the question whether the public interest did not require such presentation. See also Banzhaf v. F.C.C., supra, where the court, in affirming out Cigarette Advertising ruling, held that the Commission's action was based in fact on the public interest standard. The issue posed here is thus not one of trying to fit concepts into the fairness mold but, rather, what the public interest calls for.

Presidential Reports to the Nation—although it did hold, on the particular facts, that time for one uninterrupted presentation should be afforded to opposition spokesmen. We request comment on such relevant questions as the following: Whether the quasi-equal opportunities approach should be restricted, expanded, or left alone, with a specific description of the feasibility and effect of any proposed revision on the underlying policies of the statute (see section 315(a)). We recognize, of course, that actions by the Congress will be decisive in this area and that many statutory amendments are presently under consideration. If Congress does act, Commission policies will be appropriately revised.

VI. *Conclusion.* 21. We have gone at some considerable length into the ranges of problems that have led us to propose this comprehensive overview. But interested parties will doubtless be able to suggest additional questions and variations on those we have raised. We welcome every approach. In view of the considerations discussed above (in paragraph 5), however, we urge that every comment be specific with reference to the practical effect of any proposals put forward.

22. It may also turn out that a further inquiry, narrowing the focus of consideration, would be useful. If we determine that new rules are appropriate, there will of course be a further opportunity to comment. It is also possible that the material submitted in response to this notice will permit the adoption of a new policy statement without further proceedings, just as it is possible that no changes in present policy will be found to have merit. The response to this notice will be largely determinative of our future course of action. In any event, we intend to employ special procedures and perhaps a select staff in this highly important inquiry.

23. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 10, 1971, and reply comments on or before October 25, 1971. Comments may be filed as to any or all parts of the inquiry and should clearly delineate the focus of consideration. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

24. Authority for this inquiry is contained in sections 4(i), 303, 307, 309, 315(a), and 403 of the Communications Act of 1934, as amended.

Adopted: June 9, 1971.

Released: June 11, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

[FR Doc.71-8665 Filed 6-18-71;8:47 am]

[1] Commissioner Robert E. Lee absent; concurring statements of Commissioners Johnson and Wells filed as part of the original document.

[Canadian List No. 279]

## CANADIAN STANDARD BROADCAST STATIONS

### Notification List

JUNE 3, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

| Call letters | Location | Power kw. | Antenna | Schedule | Class | Antenna height (feet) | Ground system | | Proposed date of commencement of operation |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Number of radials | Length (feet) | |
| | | *620 kHz* | | | | | | | |
| CJCI (now in operation) | Prince George, British Columbia, N. 53°51'03", W. 122°43'10". | 10 | DA-N ND-D-180 | U | III | | | | |
| | | *650 kHz* | | | | | | | |
| CJET (this notification concerns only a change in the tower feed system). | Smith Falls, Ontario, N. 44°50'31", W. 75°58'50". | 10 | DA-2 | U | III | | | | |
| | | *680 kHz* | | | | | | | |
| CHFI (now in operation with increase in Daytime power—PO: 680 kHz, 10 kw, DA-2). | Toronto, Ontario, N. 43°34'-48", W. 79°38'30". | 10D/25N | DA-2 | U | II | | | | |
| | | *1240 kHz* | | | | | | | |
| CFEK (assignment of call letters and now in operation). | Fernie, British Columbia, N. 49°31'36", W. 115°02'40". | 1D/0.25N | ND-183 | U | IV | 149.5 | 120 | 317 | |
| | | *1340 kHz* | | | | | | | |
| (New) | Wabush, Labrador, Newfoundland, N. 52°53'51", W. 66°52'24". | 0.25 | ND-180 | U | IV | 122.5 | 120 | 250-354 | 6-3-72. |
| | | *1490 kHz* | | | | | | | |
| (New) | Hope, British Columbia N., 49°23'15", W. 121°25'42". | 0.25 | ND-180 | U | IV | 100 | 120 | 264(AVE) | 6-3-72. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Assistant Chief, Broadcast Bureau.*

[FR Doc.71-8667 Filed 6-18-71;8:47 am]

# FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 4]

## BARR SHIPPING CO., INC.

### Order of Revocation

On June 7, 1971, the Commission received notification that Barr Shipping Co., Inc., wished to surrender its Independent Ocean Freight Forwarder License No. 4 for cancellation effective immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 19, 1971):

*It is ordered,* That the Independent Ocean Freight Forwarder License No. 4 of Barr Shipping Co., Inc., be and is hereby revoked effective June 7, 1971, without prejudice to reapplication for a license at a later date.

*It is further ordered,* That a copy of this order be published in the FEDERAL REGISTER and served upon Barr Shipping Co., Inc., 21 West Street, New York, NY 10006.

AARON W. REESE,
*Managing Director.*

[FR Doc.71-8686 Filed 6-18-71;8:49 am]

## LAURO LINES

### Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Achille Lauro (Flotta Lauro)—Lauro Lines, Via Crist. Colombo 45, Naples, Italy.

Dated: June 15, 1971.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8692 Filed 6-18-71;8:49 am]

## LAURO LINES

### Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Achille Lauro, (Flotta Lauro)—Lauro Lines, Via Crist. Colombo 45, Naples, Italy.

Dated: June 15, 1971.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8693 Filed 6-18-71;8:50 am]

## MEDITERRANEAN-NORTH PACIFIC COAST FREIGHT CONFERENCE

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. G. Ravera, Secretary, Mediterranean-North Pacific Coast Freight Conference, Post Office Box 1070, 16100 Genoa, Italy.

Agreement No. 8090-10, between the member lines of the Mediterranean-North Pacific Coast Freight Conference, changes the voting requirement for making decisions under the agreement from "unanimity-less-one" to "two-thirds of active members present."

Dated: June 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8688 Filed 6-18-71;8:49 am]

## NOR COTE, INC., AND INTERNATIONAL GREAT LAKES SHIPPING CO.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Thomas D. Wilcox, Attorney at Law, 919 18th Street NW., Washington, DC 20006.

Agreement No. T-2533, between Nor Cote, Inc. (Nor Cote), and International Great Lakes Shipping Co. (Ingla), is a purchase and sales agreement whereby Nor Cote agrees to sell to Ingla its stevedoring and marine terminal business known as Detroit Processing Terminal. The parties agree that the closing will take place July 12, 1971.

Dated: June 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8687 Filed 6-18-71;8:49 am]

## STATE OF HAWAII AND SEATRAIN LINES, CALIFORNIA

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fujio Matsuda, Director, Department of Transportation, State of Hawaii, 869 Punchbowl Street, Honolulu, HI 96813.

Agreement No. T-2523, between the State of Hawaii (State) and Seatrain Lines, California (Seatrain), provides for the 20-year lease of certain terminal facilities at Sand Island, Honolulu Harbor, Hawaii, for use as a container facility and purposes related thereto. As compensation for the above, Seatrain will pay the State a total of $49,291 annually for the facilities plus all tariff charges derived from the operation of the facility, subject to a minimum of $250,000 for the first 2 years of operations, $200,000 for the third year, $250,000 for the fourth year, and $300,000 per year for the fifth through 15 years. Seatrain is required by the agreement to make certain improvements to portions of the facility. Seatrain is also required to allow use of its container cranes at the facility by the State or other common carriers when circumstances allow at rates, terms, and conditions set by Seatrain, subject to approval by the State.

Dated: June 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8689 Filed 6-18-71;8:49 am]

## U.S. GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David F. Graham, Manager-Secretary, U.S. Great Lakes-Bordeaux, Hamburg Range Eastbound Conference, 108 North State Street, Chicago, IL 60602.

Agreement No. 7820-13 changes the method for determining how Conference expenses shall be apportioned among the members.

Dated: June 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8690 Filed 6-18-71;8:49 am]

[No. 71-17]

## NONASSESSMENT OF FUEL SURCHARGES ON MILITARY SEALIFT COMMAND RATES

### Rescheduling of Filing Dates

JUNE 16, 1971.

Violations of sections 14 fourth, 16 first and 17, Shipping Act, 1916, in the nonassessment of fuel surcharges on Military Sealift Command (MSC) rates under the MSC request for rate proposals (RFP) bidding system.

Filing dates in this proceeding were postponed by order of April 28, 1971, to enable the Commission to consider Hearing Counsel's motion to discontinue. The Commission has now denied Hearing Counsel's motion. Accordingly, filing dates in this proceeding will be reestablished as follows:

1. Affidavits of fact, memoranda of law, and requests for hearing shall be filed on or before June 23, 1971.

2. Replies thereto shall be filed on or before June 30, 1971.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.71-8691 Filed 6-18-71;8:49 am]

# FEDERAL POWER COMMISSION

[Docket No. RI71-1103]

## MURPHY OIL CORP. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 11, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf* Rate in effect | Cents per Mcf* Proposed increased rate | Rate in effect subject to refund in dockets Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| R171-1103 | Murphy Oil Corp. et al | 1 | [2] 22 | Texas Eastern Transmission Corp. (Delhi Gasoline Plant, Richland, Franklin, and Madison Parishes, Northern Louisiana). | ---------- | 5-13-71 | 6-13-71 | [3] Accepted | ---------- | ---------- | |
| | do | | 23 | do | $14,016 | 5-13-71 | ---------- | 7-14-71 | [4] 17.10 | 20.75 | |
| | do | 2 | [2] 23 | Texas Eastern Transmission Corp. (Delhi Gas Wells, Richland Parish, Northern Louisiana). | ---------- | 5-13-71 | 6-13-71 | [3] Accepted | ---------- | ---------- | |
| | do | | 24 | do | 326 | 5-13-71 | ---------- | 7-14-71 | [4] 17.10 | 20.75 | |

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Includes 1.75-cent tax reimbursement. Buyer deducts 1.35 cents from rate shown for handling charge.
[2] Amendment dated May 1, 1971, provides for increased rate and extends term of contract to Nov. 1, 1978.
[3] Accepted, to be effective as of June 13, 1971, 30 days after date of filing.

The proposed rate increases of Murphy Oil Co. are suspended until July 14, 1971, 61 days after date of filing, since they do not exceed the corresponding rate filing limitations imposed in Southern Louisiana.

Murphy's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-8609 Filed 6-18-71;8:45 am]

# FEDERAL RESERVE SYSTEM

## CHARTER NEW YORK CORP.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Charter New York Corp., New York, N.Y., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of a new national bank into which will be merged The Union National Bank of Troy, Troy, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter New York Corp., New York, N.Y. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of a new national bank (Albany Bank) into which will be merged The Union National Bank of Troy, Troy, N.Y. (Troy Bank). The successor bank would be headquartered in Albany, with the existing offices of Troy Bank serving as branches thereof.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Acting Comptroller recommended approval of the application.

Pursuant to provisions of New York Banking Law, the New York State Banking Board, acting upon the recommendation of the New York Superintendent of Banks, approved an application with respect to the pending proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 29, 1971 (36 F.R. 8082), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the eighth largest banking organization and the third largest multibank holding company in the State, has eight subsidiary banks with aggregate deposits of $4.5 billion, representing 5.1 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Applicant's position in relation to the State's other banking organizations would be unchanged as a result of the consummation of the proposal herein.

Troy Bank ($65.3 million deposits), the smaller of two banks headquartered in Troy, is the ninth largest of the 36 banks located in New York's Fourth Banking District. Upon consummation of the proposal herein, Albany Bank would assume Troy Bank's present position as the District's ninth ranking banking organization, and it would become the fourth largest of the six banks headquartered in the city of Albany. The three larger Albany banks hold, respectively, $743 million, $704 million, and $181 million in deposits, and each is a viable and aggressive competitor in the Albany banking market. Although Applicant has one subsidiary bank in the Fourth Banking District, neither it nor any of Applicant's other subsidiaries compete to any significant extent in the projected service area of Albany Bank; moreover, based on the facts of record, the development of meaningful competition appears remote. The overall effect of the proposal should be to promote competition by opening up the City of Troy to branching since home office protection would be removed, and by introducing an established banking organization into the Albany banking market, an area which is dominated by the two largest banks. It does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of Applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Albany Bank are regarded as consistent with approval of the application. The major banking needs of the Albany area are presently being met by existing institutions. The introduction of an alternative source of large banking services should benefit the convenience and needs of the area's residents, and thus, this factor lends some weight in favor of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

*It is hereby ordered,* For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order; and provided further that (c) Albany Bank shall be opened for business not later than 6 months after the date of this order. The time periods described in (b) and (c) above may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] June 15, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8648 Filed 6-18-71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

## MID-OHIO BANC-SHARES, INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mid-Ohio Banc-Shares, Inc., Mansfield, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Farmers and Savings Bank, Loudonville, Ohio, Loudonville, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid-Ohio Banc-Shares, Inc., Mansfield, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Farmers and Savings Bank, Loudonville, Ohio, Loudonville, Ohio (Farmers Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks of the State of Ohio and requested his views and recommendation. The Superintendent did not object to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1971 (36 F.R. 7622), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration the Board finds that:

Applicant, one of the smallest bank holding companies in Ohio, controls two banks with deposits of approximately $64 million, representing less than 0.3 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through April 30, 1971.) The acquisition of Farmers Bank, with deposits of approximately $11 million, would not increase significantly Applicant's share of area deposits, nor would it change its present ranking among banking organizations in the State.

Farmers Bank operates its main office in Loudonville and a branch approximately 5 miles northwest in the town of Perrysville, both of which are located in Ashland County. There are 13 banking organizations serving the two-county area of Richland and Ashland Counties, the largest of which holds approximately 35 percent of total deposits. Applicant's lead bank in Mansfield, the second largest banking organization, controls approximately 18 percent of the two-county total deposits and Farmers Bank, as the ninth largest, holds about 4 percent of such deposits.

The nearest offices of Applicant's subsidiaries and Farmers Bank are located 9 miles apart. The areas they serve overlap slightly, but the two offices are separated by a lake and a State park. The proposed acquisition would eliminate only an insignificant amount of present competition between these offices and none between Applicant's other subsidiary and Farmers Bank. It appears that competing banks would not be adversely affected by consummation of the proposal and that no substantial amount of potential competition would be eliminated because of restrictions placed on branching by State laws and inasmuch as Applicant is not likely to enter this area through de novo means.

Based upon the foregoing and the record before it, the Board concludes that consummation of the proposed acquisition would have only a slightly adverse effect on competition in the relevant area, which would be outweighed in the public interest. The banking factors as regards Applicant, its subsidiaries, and Farmers Bank are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the area involved lend some weight toward approval. Although the more important banking needs of the area are being served at the present time, Applicant plans to establish trust and data processing services at Farmers Bank and to enable it to provide larger agricultural loans. These innovations and improvements in Bank's services would serve the convenience and needs of the communities and outweigh the slightly adverse effect consummation of the proposal would have on existing competition. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

*It is hereby ordered,* For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] June 15, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8649 Filed 6-18-71;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

## NEWPORT SAVINGS AND LOAN ASSOCIATION

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Newport Savings and Loan Association, Newport, R.I., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of The Island Trust Co., Newport, R.I., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors, June 14, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8650 Filed 6-18-71;8:46 am]

## SOUTHEAST BANKING CORP.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Banking Corp., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Caladesi National Bank at Dunedin, Dunedin, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of

1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Banking Corp. (formerly Southeast Bancorporation, Inc.), Miami, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Caladesi National Bank at Dunedin, Dunedin, Fla. (Caladesi Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 29, 1971 (36 F.R. 8082), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the second largest banking organization in Florida, controls 12 banks with aggregate deposits of approximately $1.03 billion, representing 7.4 percent of commercial bank deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company acquisitions approved through May 31, 1971.) Upon acquisition of Caladesi Bank ($17 million of deposits), Applicant's share of State-wide deposits would increase by only 0.12 percentage points.

Caladesi Bank is the smaller of two banks in Dunedin (Pinellas County); it has only about one-third as many deposits as the larger bank. Other banks in the area include seven banks in Clearwater, four in Largo, and one in Safety Harbor. Caladesi Bank controls 4.2 percent of market deposits, and ranks seventh in size among these 14 banking organizations.

No existing competition would be eliminated between Caladesi Bank and any of Applicant's subsidiary banks, the nearest of which to Dunedin is in Tampa, about 34 miles away. Nor is it likely that significant competition between such banks would develop in the future in view of, among other things, the distances involved, the number of intervening banks, and the prohibition against branch banking in Florida. It appears that a principal effect of the proposal is that Caladesi Bank will be able to compete more effectively with the larger banks located in its market. Therefore, the Board concludes that consummation of the proposal would not have adverse effects on competition in any relevant area.

The financial condition, managements, and prospects of Applicant, its subsidiary banks, and Caladesi Bank are regarded as generally satisfactory and consistent with approval of the application. The banking needs of the area involved are being adequately met. However, with Applicant's assistance as proposed, Caladesi Bank would become a convenient, alternative source of trust and international services and would be able to handle larger local real estate financing needs. Therefore, considerations regarding the convenience and needs of the communities involved are consistent with approval of the application. On the basis of all the facts of record, it is the Board's judgment that the proposed transaction would be in the public interest and that, therefore, the application should be approved.

*It is hereby ordered,* For the reasons summarized above, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] June 15, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8651 Filed 6-18-71;8:46 am]

## SUNCOOK BANK

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by The Suncook Bank, Suncook, N.H., a state chartered bank which is not a member of the Federal Reserve System, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 48 percent of the voting shares of The Hooksett Bank, Hooksett, N.H., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors, June 14, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8652 Filed 6-18-71;8:46 am]

## VIRGINIA COMMONWEALTH BANKSHARES, INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va., for approval of acquisition of 100 percent of the voting shares of The American Bank of Loudoun, Loudoun County, Va., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares of The American Bank of Loudoun, Loudoun County, Va. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Virginia and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 29, 1971 (36 F.R. 8083), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the fourth largest banking organization and the second largest bank holding company in Virginia, controlling 14 banks with aggregate deposits of $582.1 million. This represents approximately 8 percent of total banking deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board through April 30, 1971.) Since Bank is a proposed new bank, consummation of the proposal would not increase concentration in any market.

Bank will be located in Loudoun County at the Dulles International Airport complex, which is presently served by a branch of a $704 million Richmond bank. None of Applicant's present offices are located in Loudoun County and under Virginia law, no present banking subsidiary of Applicant may establish a branch in Bank's primary service area.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area and will have a procompetitive effect through the introduction of an additional banking alternative at the Dulles Airport complex. The banking factors, as they relate to Applicant, its subsidiaries, and Bank, and considerations relating to the convenience and needs of the communities to be served, are regarded as consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

*It is hereby ordered,* For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order: *And provided further,* That (c) The American Bank of Loudoun, Loudoun County, Va., shall be opened for business not later than 6 months after the date of this order. The time periods described in (b) and (c) above may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] June 15, 1971.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[FR Doc.71-8653 Filed 6-18-71;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

# SECURITIES AND EXCHANGE COMMISSION

[70-5038]

## OHIO POWER CO.

### Notice of Proposed Amendments of Articles of Association, Increase in Permitted Short-Term Unsecured Indebtedness, and Solicitation of Proxies in Connection Therewith

JUNE 15, 1971.

Notice is hereby given that Ohio Power Co. (Ohio), 301 Cleveland Avenue SW., Canton, OH 44701, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) (2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to amend its Articles of Association (Articles) to increase the number of authorized shares of its cumulative preferred stock. As of July 9, 1971, of the 700,000 authorized shares of Ohio's cumulative preferred stock, 202,403 shares of its 4½ percent series, 100,000 shares of its 4.40 percent series, 50,000 shares of its 4.08 percent series, 60,000 shares of its 4.20 percent series, 150,000 shares of its 8.04 percent series, and 100,000 shares of its 7.72 percent series were issued and outstanding. Ohio now proposes to provide funds with which to finance its expenditures for construction and other corporate purposes, to amend its Articles so as to increase its authorized cumulative preferred stock to 1,700,000 shares. The cost of Ohio's construction program for the year 1971 is estimated, on the basis of presently existing conditions, to be approximately $179 million.

Ohio proposes to obtain the consent and approval of the holders of the outstanding cumulative preferred stock to an increase in the amount of unsecured short-term debt, which the company is authorized to incur, to exceed 10 percent, but provided that combined short-term and long-term unsecured indebtedness would be not more than 20 percent, of its total capitalization for a period ending on April 1, 1975, but with no maturity later than October-1, 1975, except as otherwise provided by Ohio's Articles. Authorization from the Commission for such an increase in the permissable amount of short-term debt, as required by Ohio's debenture agreement is requested. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission.

Ohio intends to submit the proposed amendments of its Articles and the proposed consent to its shareholders for their approval at a special meeting of shareholders to be held on August 23, 1971. In connection there with, Ohio proposes to solicit proxies from the holders of its preferred stock through the use of solicitation material which sets forth the proposals in detail. The declaration states that the proposed amendments require the affirmative vote of the holders of two-thirds of the outstanding shares of Ohio's common stock and of the holders of two-thirds of the outstanding shares of cumulative preferred stock, voting separately as a class. Consent of the holders of a majority of the outstanding cumulative preferred stock, voting as a class, is needed to increase the amount of short-term unsecured indebtedness. American Electric Power Co., Inc., holder of all of the outstanding shares of Ohio's common stock, has indicated that all such shares will be voted in favor of the proposed amendments.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are estimated not to exceed $8,000. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 6, 1971, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponments thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
*Associate Secretary.*

[FR Doc.71-8661 Filed 6-18-71;8:47 am]

# TARIFF COMMISSION

[AA1921-72/74]

## PIG IRON FROM CANADA, FINLAND, AND WEST GERMANY

### Determinations of Injury

On March 15, 1971, the Tariff Commission received advice from the Treasury Department that pig iron from Canada, Finland, and West Germany is being, and is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Commission on the same date instituted investigations No. AA1921-72 (with respect to imports from Canada), No. AA1921-73 (Finland), and No. AA1921-74 (West Germany), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of importation of such merchandise into the United States.

Notice of the institution of the investigations and of a joint hearing to be held in connection therewith was published in the FEDERAL REGISTER (36 F.R. 5317). The hearing was held on May 11 and 12, 1971.

In arriving at its determinations the Commission gave due consideration to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the joint investigations, the Commission has determined that an industry in the United States is being and is likely to be injured by reason of the importation of pig iron from Canada, Finland, and West Germany sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[2]

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATIONS OF COMMISSIONERS SUTTON AND MOORE

In our opinion an industry in the United States is being injured by reason of the importation of pig iron from Canada, West Germany, and Finland sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Moreover there is the likelihood of further injury to the industry should such sales continue without the price discrimination being offset by special dumping duties. In arriving at this conclusion we have considered the injured industry to be those facilities of domestic producers devoted to the production of cold pig iron (hereinafter referred to as the cold pig iron industry), and have taken into account the combined impact on such industry of LTFV imports from all three countries.

*Combined impact of LTFV imports governs.* In the cases at hand, the jurisdiction of the Tariff Commission arose under the Antidumping Act upon receipt of Treasury's determination of LTFV sales of pig iron from each of the three countries. In our opinion, however, the collective impact of the LFTV imports from the three countries governs in the disposition of the case.

On several occasions since 1954 the Tariff Commission has received from the Treasury Department separate determinations of LTFV sales covering the same product from different countries. A recent case was that of pig iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R.[3] In his statement of reasons in that case, then Vice Chairman Sutton pointed out that "the purposes and language of the statute require that the Commission's determination take into account the combined impact of LTFV imports of cold pig iron from all of the countries in question." This analysis of the statutory requirements remains valid today. Hence, we have considered the combined impact of LTFV imports of pig iron from Canada, Finland, and West Germany in the instant case.

*Description and uses.* The pig iron from Canada, West Germany, and Finland on which the Treasury Department found sales at less than fair value included pig iron in virtually all major grades—that is, in basic, foundry, malleable, and low-phosphorous grades. In addition to iron, pig iron contains such elements as carbon, sulphur, phosporous, manganese, and silicon in varying but small quantities. The relative quantities of each element in the pig iron determine the grade in which pig iron is classified and also determine, more or less, the end use of the pig iron. Occassionally, however, one grade of pig iron may be used in an application for which another is more ideally suited, but the user incurs the further expense of increasing or reducing one or more of the elements named above.

Pig iron is used in the production of steel and cast iron articles. Virtually all basic pig iron consumed in the United States is used to make steel; the other grades are used in foundries to make iron castings. Hot pig iron can be used immediately in steel furnaces or foundries; cold pig iron must be remelted when used. Scrap, whether of steel or cast iron, is often substituted for pig iron if its availability and price in relation to that of pig iron is such that it is advantageous to make the substitution.

*The U.S. industry.* As stated previously, we have considered the industry for purposes of these investigations to be the facilities in the United States for the production of cold pig iron. Significant distinctions exist in the production, handling, distribution, and sale of molten and cold pig iron. Molten pig iron, whether for sale or for use by the producer, is generally produced to a constant specification, is delivered in large bulk quantities on a reasonably continuous basis, can be shipped only very limited distances, does not involve casting into pigs (with attendant handling problems), and must be used promptly; when sold—and only a small percentage is—it is marketed on a long-term contract basis. On the other hand, cold pig iron is generally produced in a wide range of specifications to meet the needs of various users. Such production necessitates frequent, costly, and time consuming adjustments in the blast furnace; it is necessary, moreover, to stockpile each specification of pig iron so that supplies are available. The frequent changes in specifications for cold pig iron to be sold to others generate off-specification pig iron which is difficult to sell at regular cold pig iron prices. As compared with purchasers of molten pig iron, buyers of cold pig iron are less consistent in the quantities purchased and the frequency of their orders; they demand various specifications in small lots, and tend to make short-term purchase contracts. All imports of pig iron, whether at LTFV or not, are of cold pig iron.

*The competitive impact of LTFV imports.* In recent years the domestic consumption of cold pig iron has declined, both absolutely and relative to aggregate U.S. consumption of all pig iron. Technological changes in the steel industry and in foundry operations have had the effect of reducing domestic consumption of cold pig iron. Low prices for scrap have acted to accentuate the effects of these technological changes. Under such market conditions, consumers of cold pig iron are particularly sensitive not only to the price of pig iron relative to that of scrap, but to the price of imported pig iron relative to that of domestically produced pig iron.

The great bulk of the pig iron imported at LTFV from Canada, Finland, and West Germany was sold at prices significantly lower than those of comparable grades of domestically produced cold pig iron. Overall, the LTFV imports of pig iron were sold at a weighted average price 17 percent below that of the comparable domestic products. On individual shipments, LTFV margins were often equivalent to a substantial part of the margins of underselling, and in some instances the LTFV margin exceeded them argin of underselling. In the face of a declining market highly sensitive to differences in price between imported and domestic cold pig iron, the effect of the LTFV imports was to displace some of the domestically produced cold pig iron that would have been sold in the absence of such LTFV imports.

In earlier investigations the Commission has pointed out that it is not necessary to show that imports were the sole

---

[1] Treasury published a separate determination of sales at less than fair value for each country in the FEDERAL REGISTER (36 F.R. 5145-5146).

[2] The Commission's determinations in investigations No. AA1921-72 (Canada) and No. AA1921-74 (West Germany) were made by unanimous vote of the participating Commissioners. With respect to investigation No. AA1921-73 (Finland), Commissioners Sutton and Moore made an affirmative determination and Commissioners Leonard and Young made a negative determination. Pursuant to section 201(a), the Commission is deemed to have made an affirmative determination if the Commissioners voting are evenly divided. Commissioner Clubb did not participate in the determinations.

[3] TC Publication 265, September 1968.

cause nor even the major cause of injury as long as the facts show that LTFV imports were more than a de minimis factor in contributing to the injury. In the instant investigation, domestic producers of cold pig iron have been appreciably undersold by importers of LTFV pig iron from Canada, Finland, and West Germany. This practice has caused a significant loss of sales by domestic producers of cold pig iron. Such injury to the domestic cold pig iron industry is clearly more than de minimis.

STATEMENT OF REASONS FOR DETERMINATIONS OF COMMISSIONERS LEONARD AND YOUNG

We generally concur in the statement of reasons for affirmative determinations of Commissioners Sutton and Moore insofar as it pertains to less-than-fair-value (LTFV) sales of pig iron imported from Canada and West Germany.

In our view, taking into consideration both the LTFV imports and other major factors influencing the sales of cold pig iron in the U.S. market (including production and imports of cold pig iron not sold at less than fair value, the price of such pig iron and cast iron scrap, and production of iron and steel castings), LTFV imports have been shown to have displaced U.S. shipments of cold pig iron and thus to have injured the domestic cold pig iron industry.

Moreover, in the absence of dumping duties, the evidence obtained by the Commission indicates that sales of LTFV pig iron from Canada are likely to increase and sales of such pig iron from West Germany are likely to resume. Therefore, we determine also that the cold pig iron industry in the United States is likely to be injured by reason of the importation into this country of LTFV pig iron from Canada and from West Germany. However, we determine in the negative with respect to LTFV pig iron imported from Finland. The LTFV imports of pig iron from Finland occurred on only one occasion, and this was under peculiar circumstances not likely to be repeated. Whether considered individually or collectively with the LTFV imports from Canada and West Germany, we do not believe that the LTFV imports from Finland are of consequence. In view of the circumstances surrounding the importation of LTFV pig iron from Finland, we have determined that an industry is not being and is not likely to be injured, or prevented from being established, by reason of the importation of pig iron from Finland sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

By direction of the Commission.

[SEAL] KENNETH R. MASON,
*Secretary.*

[FR Doc.71-8645 Filed 6-18-71;8:45 am]

# DEPARTMENT OF LABOR

## Office of the Secretary

[TEA-W-39]

## FOOT FLAIRS, INC.

### Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of February 8, 1971, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-39) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers formerly employed by Foot Flairs, Inc., Manchester, N.H. In this report, the Commission being equally divided, made no finding with respect to whether articles like or directly competitive with the women's footwear produced by Foot Flairs, Inc., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers at such plant. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 7625; 29 CFR Part 90). In that recommendation he noted that significant lay-offs caused by imports began to occur on or about October 3, 1969 at Foot Flairs, Inc., which ceased production in November 1969. After due consideration, I make the following certification:

All workers (hourly, piecework, and salaried), of the Foot Flairs, Inc., plant located at Manchester, N.H., who became unemployed or underemployed after October 2, 1969, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 14th day of June 1971.

GEORGE H. HILDEBRAND,
*Deputy Under Secretary,*
*International Affairs.*

[FR Doc.71-8672 Filed 6-18-71;8:48 am]

[TEA-W-71, etc.]

## ORNSTEEN SHOE CO., INC., ET AL.

### Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 29, 1971, the U.S. Tariff Commission made a report of the results of investigations (TEA-W-71, TEA-W-72, and TEA-W-75) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to petitions for determination of eligibility to apply for adjustment assistance submitted on behalf of workers formerly employed by the Ornsteen Shoe Co., Inc., Haverhill, Mass., Kleven Shoe Sales Co., Inc., North Brookfield, Mass., and Sinclair Shoe Co., Haverhill, Mass. In this report, the Commission being equally divided, made no finding with respect to whether articles like or directly competitive with the footwear produced by the 3 plants are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increase quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers at the plants concerned. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's decision, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted investigations. Following this, the Director made recommendations to me relating to the matter of certifications (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 8420; 29 CFR Part 90). In those recommendations he noted that significant lay-offs caused by imports began to occur in early October, 1970 at the Ornsteen Shoe Co., Inc., which ceased production in November, 1970; that Kleven Shoe Sales Co., Inc., began to lay off workers the week of August 9, 1970 and ceased production on November 30, 1970; and that employment began to drop at Sinclair Shoe Co., in early November, 1970 and continued until the plant closed on November 23, 1970. After due consideration, I make the following certifications:

All workers (hourly, piecework, and salaried), of the Ornsteen Shoe Co., Inc., plant located in Haverhill, Mass., who became unemployed or underemployed after October 4, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All workers (hourly, salaried, and piecework) of the Kleven Shoe Sales Co., Inc., plant located at North Brookfield, Mass., who became, or will become, unemployed or

underemployed after August 9, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All workers (hourly, salaried, and piecework) of the Sinclair Shoe Co., plant located at Haverhill, Mass., who became, or will become, unemployed or underemployed after November 5, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 14th day of June 1971.

GEORGE H. HILDEBRAND,
*Deputy Under Secretary, International Affairs.*

[FR Doc.71-8673 Filed 6-18-71;8:48 am]

[TEA-W-70]

## RCA CORP.

### Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 23, 1971, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-70) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers formerly employed by the RCA Corp., Memphis, Tenn. In this report, the Commission being equally divided, made no finding with respect to whether articles like or directly competitive with television receivers produced at the RCA plant in Memphis, Tenn. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers at the plant concerned. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended to accept the findings of those Commissioners who found injury as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 9154; 29 CFR Part 90). In that recommendation he noted that layoffs resulting from increased imports started in September 1969. After due consideration, I make the following certification:

All workers (hourly and salaried) of the RCA Corp. plant Memphis, Tenn., who became or will become unemployed or underemployed after September 1, 1969, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 11th day of June 1971.

GEORGE H. HILDEBRAND,
*Deputy Under Secretary, International Affairs.*

[FR Doc.71-8674 Filed 6-18-71;8:48 am]

# INTERSTATE COMMERCE COMMISSION

## GOSSELIN EXPRESS, LTD., ET AL.

### Assignment of Hearings

JUNE 16, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-134872 Sub 1, Gosselin Express, Ltd., now assigned June 23, 1971, at Albany, N.Y., canceled and reassigned to September 8, 1971, in U.S. Courtroom, Fourth Floor, U.S. Post Office and Courthouse Building, Albany, N.Y.

MC-F-10914, Jones Transfer Co.—Purchase—W & W Express, Inc., and MC-4906, Subs 17 and 18, directly related, assigned hearing on July 19, 1971, at Detroit, Mich., in the Oxford Room, Howard Johnson's Downtowner Motor Lodge, Washington Boulevard, at Michigan Avenue.

MC 30844 Sub 326 et al., Kroblin Refrigerated Express, Inc., now assigned July 7, 1971, at St. Paul, Minn., will be held in Courtroom No. 4, instead of Room 767.

MC 107839 Sub 135, Denver-Albuquerque Motor Transport, Inc., assigned July 19, 1971, in Room 571, Federal Building and Courthouse, Denver, Colo.

MC 114290, Sub 52, Exley Express, Inc., assigned July 28, 1971, at Seattle, Wash., in Room 1155, Federal Office Building, 909 First Avenue.

MC-28060 Sub 19, Willers, Inc., doing business as Willers Truck Service, assigned July 13, 1971, will be held in Courtroom No. 4, 316 Roberts Street, St. Paul, MN, instead of Room 767.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.71-8679 Filed 6-18-71;8:48 am]

[Notice 314]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 15, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8535 (Sub-No. 36 TA), filed June 6, 1971. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Post Office Box 3969, Baltimore, MD 21222. Applicant's representative: James B. Nestor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, from Catlettsburg, Ky., and Covington, Va., to points in Washtenaw County, Mich., for 150 days. Supporting shippers: Mr. R. L. Hillard, Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230; Mr. Herbert L. Barrett, Westvaco Corp., 299 Park Avenue, New York, NY 10017. Send protests to: William L. Highes, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 30837 (Sub-No. 438 TA), filed June 7, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160 (53141), Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, designed to be drawn by passenger automobiles, in truckaway service, from San Jose, Calif., to points in Washington, Oregon, Nevada, Idaho, Arizona, Colorado, Montana, Wyoming, Utah, New Mexico, and Texas, for 150 days. Supporting shipper: Sportsliner, Inc., 1720 South First Street, San Jose, CA 95112 (B. Gordon Mills, General Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operation, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 44639 (Sub-No. 38 TA), filed June 3, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place,

Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel*, between Narrows, Va., and New York, N.Y., for 150 days. NOTE: Applicant states it intends to tack at New York, N.Y., to New Jersey points authorized. Supporting shipper: New River Dress Co., Box 394, Narrows, VA 24124. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 111401 (Sub-No. 338 TA), filed June 6, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Hoyt Gabbard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, from Tulsa, Okla., to Fremont, Valley, Beatrice, and Pickrell, Nebr., for 180 days. Supporting shipper: R. V. McElhany, President, Saunders Petroleum Co., Post Office Box 129, Greeley, CO 80631. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 116073 (Sub-No. 171 TA) (Correction), filed May 27, 1971, and published FEDERAL REGISTER issue June 9, 1971, and corrected and republished in part as corrected this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, (same address as above). NOTE: The purpose of this partial republication is to include Virginia as a destination State, which was inadvertently omitted in previous publication. The rest of the publication remains the same.

No. MC 116947 (Sub-No. 17 TA), filed June 7, 1971. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, parts accessories, and equipment* used in connection with the distribution of metal containers, from Edison, N.J., to Collierville and Memphis, Tenn., for 150 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 118570 (Sub-No. 3 TA) (Correction), filed May 26, 1971, published FEDERAL REGISTER issue June 5, 1971, and corrected and republished in part as corrected this issue. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. NOTE: The purpose of this partial republication is to set forth the correct commodity description to read as follows: (1) *"Stearine"* in lieu of *stearing*, which was shown erroneously in previous publication and (2) to add *soap products*, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 124328 (Sub-No. 47 TA) (Correction), filed April 27, 1971, published FEDERAL REGISTER issue May 7, 1971, corrected and republished in part as corrected this issue. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, IL 60616. Applicant's representative: F. D. Partlan (same address as above). NOTE: The purpose of this partial republication is to include Nashville, Tenn., as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 127304 (Sub-No. 10 TA), filed June 7, 1971. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, finished and raw materials, furniture, and office equipment, and related plant equipment and supplies*, from Scottsburg, Ind., to Colwich, Kans., for 180 days. Supporting shipper: International Plastics, Inc., Post Office Box 278, Colwich, KS 67030. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128205 (Sub-No. 15 TA), filed June 7, 1971. Applicant: BULKMATIC TRANSPORT COMPANY, 4141 George Street, Schiller Park, IL 60176. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, in tank and/or hopper type vehicles, from Chicago and Thornton, Ill., to points in Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: H. F. Batchelor, Traffic Manager, Marblehead Lime Co., a subsidiary of General Dynamics Corp., 300 West Washington Street, Chicago, IL 60606. Send protests to: Andrew J. Montgomery, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133436 (Sub-No. 7 TA), filed June 7, 1971 Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal switches, tails, and hide trimmings*, in bags, bales, or in bulk, *and products manufactured by, used by, or dealt in by Eagle Hair Co., Inc.*, restricted to the account of Eagle Hair Co., Inc., from points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas to Clovis, N. Mex., and Chicago, Ill., and from Chicago, Ill., and Clovis, N. Mex., to Houston, Tex., for 180 days. Supporting shipper: Robert A. Michael, Eagle Hair Co., Inc., 901 East McDonald Avenue, Clovis, NM 88101. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 134922 (Sub-No. 12 TA), filed June 6, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, in bags, from Cotter, Ark., to points in Oklahoma, Tennessee, Illinois, Missouri, Kansas, Nebraska, Iowa, Colorado, Arizona, Mississippi, Louisiana, Texas, and California, for 180 days. Supporting shipper: Twin Lakes Charcoal Co., Cotter, Ark. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135569 (Sub-No. 1 TA), filed June 6, 1971. Applicant: CORNELIUS WIELINK, Rural 1, Hannon, ON Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14020. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete units*, from ports of entry on the international boundary line between the United States and Canada on the Niagara River to points in the counties of Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Steuben, Thompkins, and Wayne, N.Y., and Erie, Pa., for 150 days. Supporting shipper: Decor Precast Co., Ltd., Box 249, Stoney Creek, ON Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 135659 TA, filed June 3, 1971. Applicant: ROCKET MOTOR FREIGHT LINES, INC., 1026 North Elmwood, Peoria, IL 61601. Applicant's representative: Melvin N. Routman, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, from Chillicothe, Ill., to Davenport, Iowa, for 180 days. Supporting shipper: Star Service & Petroleum Co., 800 North

Skinker Boulevard, St. Louis, MO 63130. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135662 TA, filed June 6, 1971. Applicant: VANCE BUTTOL, doing business as RO-VAN COMPANY, Box 125–0, Route 2, Savanna, IL 61074. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used portable building chassis*, from points in Missouri, Iowa, Illinois, Wisconsin, and Minnesota to points in Guttenburg, Iowa, for 150 days. Supporting shipper: Hilton Homes, Inc., Guttenburg, Iowa. Send protests to: Andrew J. Montgomery, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

MOTOR CARRIER OF PASSENGERS

No. MC 59238 (Sub-No. 64 TA), filed June 4, 1971. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, VA 22901. Applicant's representative: Richard A. Trice (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle, serving Dale City, Va., as an intermediate point in conjunction with applicant's regular route authority, between Washington, D.C., and Richmond, Va., for 180 days. Supporting shippers: Donald D. Ratterree, 14812 Dixon Court, Woodbridge, VA 22191; George L. G?, 14815 Downey Court, Dale City, VA; Mr. Harold L. Johnson, 14813 Dixon Court, Woodbridge, VA 22191; Mrs. Charlotte C. Braxton, 14340 North Fullerton Road, Woodbridge, VA 22191; Jandie G. Grisham, 14808 Dyer Drive, Woodbridge, VA 22191. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–8680 Filed 6–18–71;8:48 am]

---

[Notice 704]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 16, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72800. By order of June 14, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Paul W. Ressler, Robesonia, Pa., of the operating rights in certificates Nos. MC–13233 and MC–13233 (Sub-No. 1), issued May 20, 1941, and July 17, 1950, respectively, to Oliver S. Showalter, Reinholds, Pa., authorizing the transportation of hatters' waste, from points in Berks and Lancaster Counties, Pa., to Camden, N.J., and Philadelphia, Pa.; wool, from Camden, N.J., to points in Lancaster and Berks Counties, Pa., and from Philadelphia, Pa., to Berks and Lancaster Counties, Pa., carbonized wool, from Adamstown, Pa., to Garfield, N.J., and Philadelphia, Pa., and fertilizer, from Paulsboro, N.J., to points in Lancaster County, Pa. John E. Ruth, Post Office Box 1459, American Bank Building, Sixth and Washington Streets, Reading, PA 19603, attorney for applicants.

No. MC–FC–72885. By order of June 14, 1971, the Motor Carrier Board approved the transfer to Amendola Trucking & Rigging, Inc., Hamden, Conn., of the operating rights in certificate No. MC–102081 issued January 31, 1950, to Ignatzio Aiardo, New Haven, Conn., authorizing the transportation of used machinery and parts thereof, not boxed, crated, or skidded, restricted to weight of not less than 1,000 pounds or more than 10,000 pounds, between New Haven and Meridian, Conn., on the one hand, and, on the other, Albany and Schenectady, N.Y., Boston, Worcester, and Springfield, Mass., and points within 10 miles of Boston, Worcester, and Springfield, and points in the New York, N.Y., commercial zone, as defined by the Commission. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC–FC–72909. By order of June 14, 1971, the Motor Carrier Board approved the transfer to Guerin Drayage Co., Inc., San Francisco, Calif., of the certificate of registration in No. MC–125491 (Sub-No. 1) issued July 3, 1969, to Marine Trucking Corp., San Francisco, Calif., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Decision No. 51313 dated April 12, 1955, issued by the Public Utilities Commission of California. J. Donald Kenny, 601 California Street, San Francisco, CA 94108, attorney for applicants.

No. MC–FC–72920. By order of June 9, 1971, the Motor Carrier Board approved the transfer to Tan Lines, Inc., Huntington Station, N.Y., of certificate No. MC–127653 (Sub No. 1), issued to United Services & Projects, Inc., Rosendale, N.Y., authorizing the transportation of: Luggage and such personal property usually carried by airline passengers, and aircraft parts, equipment and accessories, between various airports; Kennedy, La Guardia, Newark, Teterboro, and unnamed airports located at various cities, as well as statewide authority in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Pennsylvania, Delaware, and Washington, D.C. George A. Olsen, practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306.

No. MC–FC–72930. By order of June 14, 1971, the Motor Carrier Board approved the transfer to Ace Motor Freight, Inc., Summerville, Pa., of the operating rights in certificates Nos. MC–124802, MC–124802 (Sub-No. 1), MC–124802 (Sub-No. 2), MC–124802 (Sub-No. 4), MC–124802 (Sub-No. 6), MC–124802 (Sub-No. 7), and MC–124802 (Sub-No. 8) issued April 25, 1966, July 25, 1963, February 17, 1964, August 23, 1966, October 18, 1966, October 6, 1967, and October 4, 1968, respectively, to Curtis Womeldorf, doing business as Ace Motor Freight, Summerville, Pa., authorizing the transportation of brick, firebrick, refractory products, ground fire clay, structural tile, dry raw materials (except fly ash) used in the manufacture of clay products, in bulk, and in bags or packages, and clay products, from, to, and between points as specified in Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, West Virginia, Virginia, and the District of Columbia; paper and paper cartons, from Canton, Ohio, to Summerville, Pa., and cast iron soil pipe and fittings, except those which because of size or weight require special handling or special equipment, from Bridgeton, N.J., to points in those parts of New York and Pennsylvania on and west of U.S. Highway 11. Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005, attorney for applicants.

No. MC–FC–72931. By order of June 11, 1971, the Motor Carrier Board approved the transfer to A C Express, Inc., Raleigh, N.C., of the certificate of registration in No. MC–99791 (Sub-No. 1) issued June 11, 1964, to Waco Trucking, Inc., Hickory, N.C., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of North Carolina, corresponding in scope to certificate No. C–14 issued by the North Carolina Utilities Commission. Lawrence E. Lindeman, Wilson, Woods and Villalon, Suite 1032, Pennsylvania Building, Washington, DC 20004, attorney for applicants.

No. MC-FC-72933. By order of June 11, 1971, the Motor Carrier Board approved the transfer to Charles R. Daughenbaugh, doing business as Baughman's Van Service, Harrisburg, Pa., of certificate No. MC-38159 issued to Reba Baughman, doing business as Baughman's Van Service, Harrisburg, Pa., authorizing the transportation of: Household goods, between Harrisburg, Pa., and 50 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Ohio, and the District of Columbia. Anthony J. Gianforti, attorney, Post Office Box 1121, Harrisburg, PA 17101.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8681 Filed 6-18-71;8:48 am]

## CUMULATIVE LIST OF PARTS AFFECTED—JUNE

**The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.**

### 3 CFR

Page

PROCLAMATIONS:
- 4057 — 10769
- 4058 — 10839
- 4059 — 11077
- 4060 — 11791

EXECUTIVE ORDERS:
- May 27, 1913 (revoked in part by PLO 5064) — 11098
- 3406 (see PLO 5074) — 11732
- 6704 (revoked by PLO 5079) — 11733
- 11513 (amended by EO 11597) — 11501
- 11596 — 11079
- 11597 — 11501
- 11598 — 11711
- 11599 — 11793

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Reorganization Plan No. 1 of 1971 — 11181

### 5 CFR

213 — 10771, 10948, 11081, 11270-11271, 11633, 11713

PROPOSED RULES:
- 300 — 11817
- 772 — 11817

### 7 CFR

51 — 10771
55 — 10937, 11795
56 — 10937
59 — 10841
70 — 10937
215 — 10937
225 — 11633
719 — 11271, 11802
722 — 10772
725 — 10772, 11559
730 — 11633
760 — 11279
777 — 11019
905 — 11281, 11561
908 — 10721, 10733, 11019, 11205, 11509, 11633
910 — 10773, 10937, 11019, 11421, 11509, 11802
911 — 10721
915 — 11509
916 — 11206
917 — 11802
919 — 11206
922 — 11713, 11714
923 — 11020
944 — 10774, 11802
946 — 11714

### 7 CFR—Continued

Page

953 — 10841
959 — 10938
1090 — 10775
1098 — 10775, 11511
1103 — 10775, 11511
1104 — 10775, 11511
1106 — 10775, 11511
1421 — 10777, 11081, 11714
1464 — 11634
1488 — 11081

PROPOSED RULES:
- 201 — 11451
- 909 — 11103
- 911 — 11655, 11735
- 915 — 11043, 11735
- 917 — 10979, 11103, 11737
- 921 — 11104
- 944 — 10740
- 999 — 11519
- 1030 — 11352
- 1032 — 11352
- 1040 — 11455
- 1046 — 11352
- 1049 — 11352
- 1050 — 11352
- 1062 — 11352
- 1063 — 11211
- 1070 — 11211
- 1078 — 11211
- 1079 — 10879, 11211
- 1094 — 10980
- 1099 — 11352
- 1125 — 11655
- 1136 — 11104

### 8 CFR

103 — 11634
204 — 11635
212 — 11635
214 — 11635
238 — 11636
242 — 11636
245 — 11636
299 — 11636
316a — 11636
336 — 11636
343b — 11636
499 — 11637

PROPOSED RULES:
- 211 — 11296
- 235 — 11735
- 242 — 11296
- 299 — 11735

### 9 CFR

Page

74 — 10841
76 — 10842, 10843, 11020, 11421, 11422, 11508, 11589, 11637, 11638
79 — 10844
310 — 11639
314 — 11639
318 — 11639
325 — 11639
331 — 11720

### 10 CFR

1 — 11589
40 — 10938
50 — 11423
115 — 11423
150 — 10938

PROPOSED RULES:
- 50 — 11113

### 12 CFR

222 — 10777, 10778, 11805
265 — 10778, 10779
505 — 11185
527 — 11596
541 — 10722, 11281
545 — 10722, 10723, 11281
556 — 10723
561 — 10724
563 — 10724, 10939, 11428
564 — 11512
582 — 10725
582b — 10725
672 — 11428
673 — 11428
741 — 10844
748 — 10940, 11512

PROPOSED RULES:
- 545 — 11818
- 703 — 11672
- 741 — 11603

### 13 CFR

PROPOSED RULES:
- 121 — 11525, 11526

### 14 CFR

39 — 10779, 10780, 10946, 11185, 11186, 11428, 11512, 11640, 11721
71 — 10781, 10946, 10947, 11081, 11187, 11188, 11429, 11513, 11597, 11640-11642, 11721-11723, 11806
73 — 11430, 11723
75 — 10781, 11081, 11806-11807

## 14 CFR—Continued

Page

97 ..... 11021, 11430, 11642
302 ..... 11643
374 ..... 11189, 11807
376 ..... 11644

PROPOSED RULES:

1 ..... 11218
39 ..... 10801, 10984, 11303, 11522
43 ..... 11218
47 ..... 10801
71 ..... 10741, 10802, 10984, 11218–11222, 11523, 11524, 11601–11602, 11668–11670, 11749, 11750, 11815
73 ..... 11816
75 ..... 10984
91 ..... 11218
93 ..... 11670
121 ..... 11456
241 ..... 11750
249 ..... 10803
296 ..... 11816
297 ..... 11816
371 ..... 10803
399 ..... 10806

## 15 CFR

370 ..... 10845
371 ..... 11808
372 ..... 10845
373 ..... 10845
376 ..... 11808
379 ..... 10846

PROPOSED RULES:

1200 ..... 10980

## 16 CFR

1 ..... 11082
13 ..... 11281–11291, 11597
500 ..... 10781
501 ..... 10846, 11082

## 17 CFR

240 ..... 11513
270 ..... 11645

## 18 CFR

101 ..... 11431
104 ..... 11431
105 ..... 11431
154 ..... 11579
201 ..... 11431
204 ..... 11432
205 ..... 11432

## 19 CFR

10 ..... 10726, 10727, 11581
13 ..... 10727
16 ..... 10727
22 ..... 10847
54 ..... 10727

PROPOSED RULES:

153 ..... 11526

## 20 CFR

01 ..... 11432
3 ..... 11432
25 ..... 11433
405 ..... 10848

PROPOSED RULES:

422 ..... 10880

## 21 CFR

Page

1 ..... 11022, 11723
2 ..... 10728, 11433
3 ..... 11022, 11514, 11723
8 ..... 11645
28 ..... 10781
121 ..... 10728, 10479, 11646, 11723, 11724, 18111
130 ..... 11022, 11723
135 ..... 11724
135a ..... 10947, 11724
135b ..... 10850, 10947
135e ..... 11190
135g ..... 18111
141 ..... 11515
141b ..... 11725
145 ..... 11516
146 ..... 11022, 11516, 11723
146b ..... 11725
146d ..... 11726
148 ..... 11516
148b ..... 11292
148k ..... 11292
148q ..... 18111
148w ..... 11433
149v ..... 11434
151g ..... 11516
191 ..... 11190
420 ..... 10851, 11293, 11517, 11726, 11727

PROPOSED RULES:

1 ..... 11217
3 ..... 11521
121 ..... 10983, 11742
125 ..... 11521
130 ..... 10983
135g ..... 11742
141a ..... 11742
146a ..... 11742
146c ..... 11742
146e ..... 11742
191 ..... 11044

## 24 CFR

17 ..... 11024
60 ..... 10781
200 ..... 10781
1914 ..... 11083, 11269, 11728
1915 ..... 11083, 11270, 11729

PROPOSED RULES:

8 ..... 11296
76 ..... 11744
241 ..... 11815
1909 ..... 11109
1910 ..... 11109

## 25 CFR

PROPOSED RULES:

131 ..... 11043

## 26 CFR

1 ..... 10729, 10730, 10851, 11025, 11032, 11084, 11190, 11434, 11730
3 ..... 10948
301 ..... 10782, 11025, 11503, 11730

PROPOSED RULES:

1 ..... 10787, 10953, 11100, 11442, 11451
13 ..... 10787, 11451
45 ..... 11451
53 ..... 10968, 11034, 11655
143 ..... 10968, 11655

## 28 CFR

0 ..... 10862, 10863

## 29 CFR

Page

7 ..... 10863
20 ..... 11505
50 ..... 10865
51 ..... 10865
602 ..... 11434
603 ..... 10866
612 ..... 10866
615 ..... 11561
697 ..... 11561

PROPOSED RULES:

202 ..... 11044
1902 ..... 11738

## 30 CFR

PROPOSED RULES:

231 ..... 11815

## 31 CFR

316 ..... 10949
500 ..... 11441

PROPOSED RULES:

102 ..... 11208
103 ..... 11208

## 32 CFR

809d ..... 11196
819a ..... 11196
1801 ..... 11505
1802 ..... 11581

## 33 CFR

2 ..... 10949
117 ..... 11087, 11434
204 ..... 10730
207 ..... 10730

PROPOSED RULES:

117 ..... 10779–10801, 11045, 11455, 11667

## 36 CFR

PROPOSED RULES:

7 ..... 10877–10879

## 39 CFR

Ch. I ..... 11505
171 ..... 10783
951 ..... 11562
952 ..... 11562
953 ..... 11566
954 ..... 11567
955 ..... 11569
956 ..... 11572
957 ..... 11575
958 ..... 11578

## 41 CFR

1–1 ..... 11435
1–4 ..... 11199
3–1 ..... 11582
3–30 ..... 11582
5A–72 ..... 11088
9–1 ..... 11646
9–3 ..... 11095
9–5 ..... 11646
9–16 ..... 11095
14–1 ..... 11506
29–3 ..... 11647
60–6 ..... 10868
101–19 ..... 11199
101–26 ..... 10950, 11438
101–30 ..... 10950
101–35 ..... 10951
101–47 ..... 11438

## 41 CFR—Continued

Page

PROPOSED RULES:

3–4 ... 11599

## 42 CFR

54 ... 10874, 10875, 11295
72 ... 11025
481 ... 10731

## 43 CFR

PUBLIC LAND ORDERS:

64 (revoked by PLO 5067) ... 11098
639 (amended by PLO 5074) ... 11732
1556 (revoked in part by PLO 5066) ... 11098
1703 (revoked in part by PLO 5063) ... 11098
2052 (revoked by PLO 5075) ... 11732
3920 (see PLO 5074) ... 11732
4582 (see PLO 5072) ... 11731
4962 (see PLO 5072) ... 11731
5010 (corrected by PLO 5080) ... 11733
5045 (corrected by PLO 5071) ... 11731
5062 ... 11097
5063 ... 11098
5064 ... 11098
5065 ... 11098
5066 ... 11098
5067 ... 11098
5068 ... 11099
5069 ... 11730
5070 ... 11730
5071 ... 11731
5072 ... 11731
5073 ... 11731
5074 ... 11732
5075 ... 11732
5076 ... 11732

## 43 CFR—Continued

Page

5077 ... 11732
5078 ... 11732
5079 ... 11733
5080 ... 11733

## 45 CFR

117 ... 11200
120 ... 10951
206 ... 10783

## 46 CFR

11 ... 11653
146 ... 11733
251 ... 11033, 11099
381 ... 10739
531 ... 11439

PROPOSED RULES:

146 ... 11302
512 ... 10985

## 47 CFR

0 ... 11440
2 ... 11587
21 ... 11144
73 ... 10784
74 ... 10876, 11587
83 ... 11440
87 ... 11587
89 ... 11587
91 ... 11588
93 ... 11588

PROPOSED RULES:

13 ... 11225
25 ... 10806
73 ... 10741, 10806, 11225, 11818
74 ... 11818
83 ... 10807

## 49 CFR

Page

172 ... 10732
173 ... 10732, 10952, 11734
176 ... 10733
177 ... 10784
178 ... 10733, 10785
179 ... 10733
391 ... 11205
571 ... 10733, 10736, 11508
1002 ... 11203
1033 ... 10785

PROPOSED RULES:

171 ... 11304
172 ... 11304
173 ... 10882, 11224, 11304, 11670
174 ... 11304
175 ... 11304
177 ... 10882, 11304
178 ... 10882, 11224, 11524, 11670
192 ... 10885
228 ... 11303
391 ... 11223
393 ... 11046
395 ... 10802
571 ... 11750
Ch. X ... 10741, 10742
1056 ... 11671
1100 ... 10808
1332 ... 10886

## 50 CFR

32 ... 11099
253 ... 10736
254 ... 10737
280 ... 11441

## LIST OF FEDERAL REGISTER PAGES AND DATES—JUNE

| *Pages* | *Date* |
|---|---|
| 10715–10762 | June 2 |
| 10763–10832 | 3 |
| 10833–10929 | 4 |
| 10931–11011 | 5 |
| 11013–11070 | 8 |
| 11071–11173 | 9 |
| 11175–11261 | 10 |
| 11263–11413 | 11 |
| 11415–11494 | 12 |
| 11495–11551 | 15 |
| 11553–11625 | 16 |
| 11627–11704 | 17 |
| 11705–11784 | 18 |
| 11785–11842 | 19 |